



# PROTECTION OF PATIENTS' RIGHTS

Patient – Friendly Guide

**Introduction**

This “Human Rights in Patient Care – Patient Friendly Guide” (PFG) is created on the basis of “Human Rights in Patient Care: A Practitioner Guide” that is mainly intended for health and legal professionals.

The goal of the PFG is for patients to understand their health care rights and responsibilities, especially those arising from the Law on the Protection of Patients' Rights enacted in 2008. In addition to information about patients' rights and responsibilities, this PFG contains separate sections on provider's rights and responsibilities mechanisms for protection of rights.

Citizens must know their rights as patients in order to identify any violation and to know how, to whom and where to address the issue, if they suspect that there is a violation of their rights.

On the other hand, it is also very important for patients to know their responsibilities, in order to, enable the health care providers do their jobs in the best possible manner and to ease the fulfillment of the ultimate goal – best possible health care and achieving the highest attainable standard of health.

Being familiar with both patients' and providers' rights and responsibilities greatly contributes to decreasing the cases of violation of rights and improves the cooperation between patients and their doctors in the decision-making process and provision of health services.

While reading this PFG, it should be taken into consideration that a patient is considered to be each person, sick or healthy, who will seek medical intervention or to whom medical intervention will be provided, for the purpose of protection or promotion of health, prevention of disease or other health conditions, treatment, care or rehabilitation. The term “health” is determined as a state of complete physical, mental and social well-being, not merely the absence of disease or infirmity, and that health is a fundamental human right.

The European Charter of Patients' Rights was drawn up in 2002 by the Active Citizenship Network - European network of civic consumer, and patient organizations, it is not legally binding but is generally regarded as the clearest and most comprehensive statement of patient rights, and has great influence in drawing up this PFG. Thus, the division and description of each right in this Guide is based on the Charter and the current legislation. The description of patients' responsibilities, providers' rights and responsibilities, and mechanisms for protection of rights are based on the current legislation.

## PATIENTS' RIGHTS

### Right to preventive measures

#### What are preventive measures? How can I learn more about them?

**Preventive measures are measures that are undertaken with a purpose to prevent an illness or to mitigate its consequences.**

The preventive measures include the health education and certain measures and examinations/tests that need to be carried out over a certain period of time, even when you are not ill, all with purpose of early detection of some diseases or conditions.

Preventive measures should be carried out by your primary health care physician, as well as by other health care professionals who take care of your health and the health in the community, i.e. public health.

Some of the most common preventive measures are:

- Immunization/vaccination, which is mandatory for the new-borns, as well as prior to travelling in certain regions where various communicable diseases are present, for example, yellow fever or malaria
- Regular systematic examinations of the children of school age and of employees, particularly of those employees who work in the food industry (production and serving), medicine and other occupations where the health of other people also depends on the personal hygiene and the health condition of the persons involved in these processes (for example employees in nurseries and kindergartens)
- Regular visits to a paediatrician, gynaecologist, dentist, urologist, etc.
- Control of the safety of the food, medicines, cosmetic products, etc.
- Other measures and activities for preventing the occurrence and spread of diseases (for example disinfection, desinsection and pest control)

In wider sense, preventive measures relate to all persons and they are present in all activities related to the health in the community (measures and standards during preparation of food, medicines, cosmetic products; safety of the blood and blood products during transfusion, as well as mandatory control of the donated blood; safety at work, etc.).

Since **the care for your personal health is also your responsibility** stated in the Constitution, be sure to stay informed by your physician about what preventive measures can improve your health or the health of the ones you care for!!!

### Right to access

#### What does right to access mean?

The right to access means that you should get health care every time you need them, without any discrimination whatsoever. Continuous health care means that the medical treatment should be undisturbed; it should be carried out in a timely manner and without interruptions; it means also uninterrupted access to the necessary medical assistance in cases of emergencies through the on-duty service or the service for emergency medical assistance.

The protection against discrimination when receiving health care is guaranteed, among others, by the Law on the Protection of Patients' Rights, according to which the patient has the right to exercise his/her rights **without discrimination** on the grounds of gender, race, skin colour, language and religion, political or any other affiliation, national or social origin, nationality, material status, origin by birth, sexual orientation or **any other status**.

In order to avoid discrimination from a financial aspect, i.e. everyone to be given access to health care regardless of income, there are special programs that provide health care to persons, who, for some reason, cannot cover the expenses for the examinations, medical treatment etc., i.e. they are also included in the system and they have access to health care and health services.

The lack of medicines and medical aids from the so-called "positive list" in the pharmacies is a violation of the right to access. At the same time, this jeopardizes the health of the citizens and prevents the fulfilment of their-constitutional and legal obligation for taking care of one's personal health.

Additionally, the right to access also includes physical access to facilities, i.e. each facility should have access pathways for the persons with disability or other architectural solutions that will provide physical access to all persons to the facilities where health services are provided. The health care facilities should provide transportation for members of the population who are geographically distanced and where no public transportation is available (for example for citizens from mountainous and hard to reach places).

### Right to information

**Accurate and timely information can be of key importance for appropriate medical treatment!**

**Do you feel that your physician is not giving you enough information or that you don't understand what he/she is saying?**

The Law on the Protection of Patients' Rights (LPPR) obliges the physician who is treating you to inform you about:

- your health condition,
- expected outcome from each procedure or therapy,
- alternatives for treatment, i.e. all available treatments,
- expected time for recovering and healing,
- consequences that could occur if certain measures are not taken,
- alternative treatments, i.e. scientific researches,
- course of the intervention itself,
- possible complications from each treatment,
- rehabilitation programs,
- your rights from health care and health insurance, as well as the procedures for exercising these rights.

You also have the right to get acquainted with all physicians and health care professionals included in your treatment and to be informed about their education, professional competence and experience. Their professional licenses must be displayed in a location visible to everybody.

**Important!**

All information must be given to you in a manner that you understand and in a way that you will understand the information given. It is important that you understand the information because this to a great extent contributes to the actual choice regarding the treatment you need to make in cooperation with your physician, as well as to achieve the best results possible from the treatment.

**Do you have to receive this information and is it you who needs to make a decision?**

No. If you decide so, LPPR states that all information regarding the treatment can also be presented to a person whom you may appoint and that the appointed person (such as parent/guardian, brother, sister, spouse, partner, etc.) can make the decisions on your behalf.

**Medical record**

**What is that? Who has access to it and what does it contain?**

For each patient, health care facilities keep a special medical record containing the full medical documentation and related data about the patient (various forms and results from performed examinations, history of the illness, discharge letter, etc.).

The medical record contains all information related to the health condition of an individual: previous illnesses, medicines taken, whether he/she is allergic to some medicine or has other types of allergy, immunization records, etc.

According to LPPR, the following persons have right to access the medical records:

During the life of the patient:

- the patient,
- the medical team in charge of his/her treatment,
- the person(s) whom the patient has authorized to have access, by the form of a signed statement by the patient

After death (except in cases where the patient exclusively prohibits this by way of a signed statement):

- the spouse/informal partner of the patient,
- adult child,
- parent, legal representative, i.e. guardian,
- adult brother/sister of the patient

You can demand a copy of the record at any time and you shall be provided with a copy, at your own expense that has to be of a reasonable (realistic) amount. If you do not understand certain information contained in the medical record, the medical staff should explain it to you in a manner that is understandable for you.

**Right to consent**

The right to consent means that you **have the right to accept or reject certain medical intervention**, after the medical staff informs you about its benefits, disadvantages and envisaged/assumed risks. The medical intervention **cannot be refused** if the delay of the failure to undertake certain actions can (temporarily or permanently) jeopardize or harm your life and health or life and health of other people.

### What is an informed consent?

The informed consent is a written statement that you as a patient give (sign) **after** you obtain **all relevant information** regarding your health and the medical procedures proposed for your treatment. The information must be given to you in an adequate manner and language, i.e. you need to fully understand the information given to you, and must contain all positive and negative aspects of the treatment in question.

The Law on the Protection of Patients' Rights does not clearly define the cases in which you need to provide informed consent; but in practice, it is usually given in advance for more serious surgeries where complications are possible, like procedures during artificial insemination (in-vitro fertilization), surgical interventions or some more invasive diagnostic methods.

When you give informed consent, this means that the physician has already informed you about:

- your illness
- all treatments that can be performed
- the effects and the side effects of each treatment separately
- the expected outcomes
- the risks and the possible complications
- the consequences that could occur if certain measures are not undertaken
- alternative treatments
- the course of the intervention itself

And that he/she has provided you with:

- certain recommendations for healthy lifestyle
- all information in an understandable language
- all information relevant and important for making the right decision

Based on this information, you should make your decision **independently and without being forced by anybody**, i.e. you should give your informed consent for the treatment that needs to be carried out.

### Right to free choice

#### What does the right to free choice mean?

The right to free choice is a constitutionally-guaranteed right. This right gives you the opportunity to freely choose:

- WHETHER you will be subjected to a treatment (except when you jeopardize the life and health of others)
- WHERE will you get the treatment
- WHO will perform the treatment
- WHAT means, procedures and methods will be used for the treatment

### What are the costs of the freely-chosen treatments?

However, the costs for the services and the interventions depend on various factors, such as whether the institution is part of the publicly-funded health care system, whether the medicines are on the so-called “positive list,” whether the intervention is provided in the Republic of Macedonia, and others.

If the requested/needed health service, medicine or medical aid is part of the health insurance package of services, and these are available in an institution that is part of the publicly-funded health care system, the health service is free of charge, or only an amount called a co-payment (participation) is paid by the patient.

### Can a patient refuse treatment?

Also, the right to free choice includes that certain information or intervention **could be refused**, that the patient can leave the hospital at his/her own will, etc., **but, under the condition** that such action of the patient will not jeopardize or harm the health and lives of other people.

Ordering/conditioning the patient to purchase certain medicines or medical aids from a specific pharmacy or pharmaceutical wholesaler in order to obtain the health service (for example, surgery) from a certain physician, while the medicines/medical aids in question are available from other pharmacies or pharmaceutical wholesalers, is a limitation of the right to free choice.

## Right to privacy and confidentiality

### How are your privacy and confidentiality guaranteed?

Examinations and interventions on the premises of the primary care physician and in other health care facilities must be carried out in a separate room for that purpose, and where only the personnel necessary for the examination/intervention are present. Other persons (family, friends or students-interns at university institutions) can be present **only with the patient's given consent** or upon the patient's request.

Your personal data and information about your health, prescribed therapy, etc., **cannot be disclosed without your consent** to a person not included in the process of examination/diagnosing/treatment.

Confidentiality of the data in your medical record is also guaranteed. Even after your death, with a special statement that you as a patient can give, the data can remain confidential for the closest members of the family or for the guardian/legal representative. During your life, besides yourself and the members of the medical team responsible for your treatment, no other person can be given access to the data in your medical record, unless you give them the data yourself or you provide clear and unequivocal consent to your physician to do so.

**The physician cannot disclose information about your health to other persons!** The physician must tell you the information regarding your health and the methods of treatment in a manner that will guarantee your privacy. **This data is professionally and ethically confidential.**

During the stay at a health care facility (hospital), the right to privacy also ensures that the patient's needs related to privacy are considered, such as to be accommodated together with persons of same gender and, if he/she is a minor, to be accommodated separately from the adult patients, as well as to use items for personal hygiene and other items, subject to his/her particular health condition.

**The patient has the right to reject to be part of the education process of the medical personnel, students and/or physicians-interns, and in that case, his/her personal medical data may not be revealed to these persons!**

This particularly refers to the morning visiting rounds of the patients by medical personnel in hospitals, when other patients are present in the room, and when due to the illness, the patients could be rejected and stigmatized by the society.

### **Right to respect for patient's time**

The right to respect for patient's time is a right that as such is not specifically prescribed in the Macedonian legislation instead, it is a derived right from several other provisions, which, among other things, ensure that you as a patient have the right to receive timely medical treatment without discrimination, to continuous health care, etc. At the same time, it is closely related to the right to access to health care. This right is specifically stated in the European Charter of Patients' Rights<sup>1</sup>, which is not legally binding but has big influence in view of respect of human rights in the health care sector.

#### **What does respect for patient's time mean?**

Respect for patient's time means that you, as patient, have the right to receive health care **pursuant to the emergency of the of the need for treatment and according to medical criteria, i.e. according to the nature of the illness.**

In cases when there are waiting lists for a specific examination or surgery, the choice and order of examination/treatment/surgery must be done strictly **on the basis of medical criteria, without discrimination of any kind.**

If health care cannot be provided due to the existence of these lists, then, the patient must be provided with the opportunity to find an alternative treatment of comparable quality; and the expenses for that treatment must be compensated in the shortest deadline possible.

In situations when there are no emergencies, i.e. patients whose health condition/illness does not require immediate admission by the physician, the waiting in the waiting room for examination by the primary care physician or specialist **is not** violation of this right, particularly if the examination has not been previously scheduled.

### **Right to the observance of quality standards**

This right is in direct relation to the right to access to health care and the right to safety.

The right to the observance of quality standards means that as a patient, you have a right to health care that can provide the best results during the prevention/treatment, according to the available professional and technical possibilities of medical science.

In practice, this means that, during your treatment, the most contemporary available methods, materials and technology should be used, including the available medicines that are manufactured according to strictly-determined standards, in accordance with the guidelines created on evidence-based medicine.

---

<sup>1</sup> The Charter can be downloaded from:

<http://www.healthrights.mk/index.php/2012-01-18-17-57-55/2012-01-18-18-23-51/ostanati.html>

The failure to observe the quality standards in any phase of the medical treatment can jeopardize your health and life and/or the health and life of others.

The use of dialysis equipment that is several decades old and is made on obsolete technology for blood filtration and the insufficient purification of the blood by shortening the duration of the dialysis are examples of violations of this right.

### **Right to safety**

#### **What does safety mean in view of health care?**

In practice, this means that you, as a patient, should be protected from any medical error, the diagnostic and therapeutic procedures need to be safe for your health (i.e. to have minimal detrimental consequences), the prescribed medicines and the dosage need to be adequate, and the blood, blood products, transplantation organs etc., need to be safe for usage, i.e. all procedures that guarantee their correctness and safety for usage need to be respected and implemented.

### **Right to innovation**

#### **How is the right to innovation, i.e. the access to innovative procedures for diagnostics and medical treatment, exercised?**

It is a duty of the physicians to constantly deepen and broaden their knowledge, to learn about the latest achievements in the field of the medicine and medical technology and to apply this in practice.

The access to new technologies **also depends on the possibilities of the health system itself**, which on the other hand is also obliged to provide the best conditions possible for diagnostics and medical treatment of the patients.

Our legislation prescribes a possibility for a person to obtain a diagnostic or medical treatment abroad, if certain diagnostic procedure or medical treatment is not available in our country, and it is of great importance for establishing accurate diagnosis and therefore adequate medical treatment.

For treatment abroad, a special procedure must be carried out in order for the expenses from the referral to a foreign health care facility to be covered by the national health insurance, i.e. with "blue coupons." This means that you need to obtain the opinion from a team of physicians (consular opinion) and an approval from the Health Insurance Fund of the Republic of Macedonia (Macedonian: FZOM). For more details regarding this procedure, you can consult the physician who is treating you or you can go to the "Office for Expert Assistance to the Insured Patients in Realizing and Protecting Their Health Insurance Rights" established in each of the local units of FZOM in all bigger cities in the state.

### **Right to avoid unnecessary suffering and pain**

#### **What does unnecessary suffering and pain mean?**

There are medical procedures for establishing a diagnosis or medical treatments, which, unfortunately, cause pain and great inconveniences. Frequently, the illnesses alone cause severe pain and inconveniences. The modern medical science strives to reduce the inconveniences and the pain to a minimum or to eliminate them in general. Hence, each possibility is being used to carry out procedures/treatments that are painless or in which the pain/inconvenience is minimal.

Also, efforts are being made for decreasing/eliminating the suffering and pain for those patients who suffer from severe and life-threatening illnesses and for making their treatment as well as the stay in the health care facility as pleasant as possible.

The use of local anaesthesia during dental intervention, or giving morphine and other sedatives to severely ill and terminally ill patients, is a measure towards avoiding unnecessary suffering and pain.

### **Right to personalized treatment**

#### **How is the personalized treatment being carried out?**

It is being carried out in a manner that best meets the needs of the patient and the nature of the illness. Above all, the following should be considered: whether the patient is a minor or not; whether he/she has problems with his/her mental health; whether he/she has special needs; whether he/she has illness that requires special treatment (for example, jaundice or HIV/AIDS); whether his/her religious beliefs allow or prohibit certain interventions; whether his/her previous condition/illness (for example high blood pressure or diabetes) and treatment or medication therapy thereof can cause complications, etc. Based on all of this, a method of diagnosing and applying medical treatment/rehabilitation should be determined.

Numerous debates are being carried out throughout the world as to what degree the religious beliefs of the patient and the choice of the patient not to receive certain therapy due to religious reasons (for example, blood transfusion) should be respected. This is particularly a dilemma when the life of the patient is threatened, and the transfusion for example, is of life-saving importance. On one hand, the physician has an obligation to save the life of the patient and on the other, he/she has the responsibility to respect the patient's religious beliefs and choice.

### **Right to complain**

#### **Where can you complain if you think that your rights have been violated?**

There are several possibilities.

Regarding the protection of your rights you can turn to:

- the Director of the health care facility,
- the Advisor for protecting the patients' rights in the hospitals,
- the Commission for promoting the patients' rights in your municipality,
- the Health Insurance Fund of Macedonia,
- the Ministry of Health of the Republic of Macedonia,
- the Ombudsman and the regional offices of the Ombudsman,
- the Court.

For more information, see under "Protection of your rights."

### **Right to compensation**

#### **Is compensation for damages same as refunding?**

No. **Compensation** for damages is monetary compensation received by the patient due to damages occurred as a result of error or malpractice by the physician, consequences that occurred due to inadequate medical treatment, damage to the personal and moral integrity of the patient, violation of the rights guaranteed by law (for example, the right to privacy and confidentiality of personal data), etc.

**Refunding** means reimbursement of money (in full or in part) paid by the patient out of pocket, which should have been paid by the Health Insurance Fund of the Republic of Macedonia, if the person has health insurance.

### Right to second professional opinion and consular opinion

#### Who can give a second opinion?

A second professional opinion is provided upon your oral or written request, and it is provided by a health care professional/physician with a **minimum same education and professional specialization** (i.e. the same expertise) as the health care professional/physician that provided the first professional opinion.

The second professional opinion must be given to you by a health care professional/physician who did not participate directly in providing the first professional opinion.

Since a second professional opinion is legally guaranteed and expenses regarding the same are covered through the health insurance (with the "blue coupons"), **the health care professional** from whom the second opinion is requested, **is obliged to give his/her professional opinion**. If the health care professional refuses to give his/her opinion, a fine according to the Law on the Protection of Patients' Rights may be imposed.

#### When can you demand a consular opinion?

The consular opinion is an expert opinion given from several doctors from same or different speciality.

You can demand a consular opinion in cases of severe illness, when surgery needs to be undertaken or when the health has worsened. The Director of the health care facility makes the decision regarding the request for obtaining a consular opinion.

There are no limitations as to when you can demand a second professional opinion.

### Right to maintain contacts

#### How is the process of maintaining contacts regulated during your stay in a hospital?

In cases when you need to be admitted to a hospital, you have the right to have visitors **in accordance with the house-rules** of the institution. Also, you can prohibit certain persons from visiting you, or you can decide not to allow visitors at all.

#### What will happen if you need to call someone by telephone or if you need to send a letter?

The health care facility is obliged to enable you, **at your expense**, to make telephone calls and to receive and send letters.

Also, within the possibilities of the hospital, you have the right to watch TV and to listen to radio programs, to practice religious activities, as well as to use weekend leave, provided your health and the nature of your illness and medical treatment allow temporary discharge from the facility.

## PATIENT RESPONSIBILITIES

### Care of patient's own health, life and health of the others

The care of a patient's own health is regulated as a right, but at the same time it is a responsibility of all citizens determined by the Constitution and the laws of the Republic of Macedonia. They do not determine penalties for violating this responsibility, but that does not mean that there should be threat of imposing fines in order for you to care of your own personal health.

There is an exception to this rule, if by lack of care for your own personal health and life you jeopardize the health and life of others. In this case, authorities can undertake certain legally-determined measures (for example, forced medical treatment in an adequate health care facility).

#### Can you be forced to receive a medical treatment against your own will?

Yes. In cases when your health condition poses a threat to your own health and life, as well as to the health and life of others (for example, communicable disease or a mental condition) and you refuse to take the recommended measures, then there is a possibility for the **court** to order compulsory medical treatment in an adequate health care facility.

In specific cases, the court may also order compulsory treatment/examination or psychiatric evaluation as a precaution measure.

If you are aware that your health condition can jeopardize the life and health of other people and you do not undertake measures for protection of other people, or even worse, you intentionally spread the disease you have, the law allows for you to be charged with a **criminal offense**. For (intentionally) spreading a communicable disease, the law enforces a fine or imprisonment up to three years (for transmitting communicable diseases), as well as imprisonment from 1 to 10 years (for transmitting an incurable communicable disease, Article 205 from the Penal Code).

Regarding the protection of your privacy, **you are not obliged to disclose information about your health**, but only to undertake all measures to prevent the spreading. The decision whether or not to reveal your health condition to other persons is yours to be made.

The Penal Code includes a whole part referring to the **criminal actions against the health of the people**. Inadequate medical treatment of ill persons, failure to provide medical assistance, production and circulation of harmful means for treatment etc., are included therein, amongst others. Generally, this part of the Penal Code refers to the health care professionals who provide health services.

### Responsibility to inform and report/notify

#### What does the responsibility to inform and report/notify include?

This responsibility might be considered as most important for accurate diagnosis and for undertaking adequate measures for medical treatment and rehabilitation.

Your responsibility as a patient is to timely provide accurate and sufficient information about your health, according to your capability and level of possessing information. These data refer to the symptoms you feel, their occurrence, whether you have had them earlier, whether you have been treated previously and with what therapy, whether you receive other therapy at the moment, etc.

All information must be presented directly to the physician who is treating you. This is part of the responsibility of the patients for active participation and for aiding the health care professionals who directly provide the health care.

**What will happen if you do not provide accurate information or if you hide certain fact or information?**

The worst thing that could happen is that you might be wrongly diagnosed, hence inadequate therapy would be applied, which could be very dangerous to your health and life or health and life of the person for whom you are providing this information (if you are member of the family, partner, parent or legal representative), as well as to life and health of other people. Another consequence that could occur if you do not provide all information to your physician is that he/she might prescribe inadequate or incorrect medicines for you that could harm you rather than help you; if the physician had had all needed information he/she could have acted differently and could have prescribed another medicine or therapy without harmful consequences and side effects, or, with lesser and not as severe consequences and side effects.

This situation can also be harmful to the honour and the reputation of the health care professionals and the health care facility from which the medical care was requested

Except for the consequences to health, which can be irrecoverable and sometimes even life-threatening, the Law on the Protection of Patients' Rights enforces a fine in the amount of 50-100 EUR in denar counter-value for patients who will not respect this responsibility.

Advice: Always inform your physician about **all** medicines and treatment you receive. This will help the physician in determining the appropriate and adequate therapy for you and it will decrease the possibility of side effects, particularly if you need to take two or more medicines/medicaments at the same time. Also, always demand information from the physician about the medicines he/she prescribes for you, i.e. about the effects and the side effects, the dosage and the manner of taking the medicines, etc.

**Responsibility to respect code of conduct and the health care facility's house rules**

**Who regulates the house rules in the health care facility?**

The house rules are adopted by the health care facilities themselves. The house rules should be displayed in a place where everyone can read them (for example, in the waiting room, at the entrance of the facility, in each room separately, on the announcement board in the facility, etc.).

**What if the patient does not respect these regulations?**

It is your responsibility to respect the house rules of the institution.

The respect of these regulations contributes towards enabling the best working conditions possible for the health care professionals and it makes your stay in the health care facility as pleasant as possible. Also, this goes in favour of protecting and promoting your health.

If you do not respect the house rules, a fine in the amount determined by the Law on the Protection of Patients' Rights is determined, i.e. from 50-100 EUR in denar counter-value. The same fine is also determined for failure to respect the professional and human dignity of the health care professionals.

## Responsibility to accept work/engagement

### Can this kind of responsibility be given to all patients?

This responsibility can be given to you, above all, if you are a patient admitted into a hospital in which the work/engagement is part of your rehabilitation and resocialization, with purpose of reactivating your social skills. Usually, this is being carried out in psychiatric institutions.

### What kind of work can be entrusted to you as a patient?

Each type of work in which you have experience or which can contribute towards your better and faster rehabilitation and resocialization, and which is in accordance with your abilities and health

Therefore, these are some of the working tasks in which you can be engaged: painting and coating work or carpentry, working in the garden, preparation of decorative items, etc.

### Should you receive certain financial compensation for that?

Yes. You should receive a determined financial compensation for the performed work.

## PROTECTION OF YOUR RIGHTS

### What can you do if one of your rights has been limited or violated?

You have several options, i.e. you can go to:

- the Director of the health care facility,
- the Office of the Advisor for protecting the patients' rights in the hospitals,
- the Commission for promoting the patients' rights in the municipality,
- the Office for expert assistance to the insured patients in realizing and protecting their health insurance rights in each regional office of the Health Insurance Fund of Macedonia,
- the Ministry of Health of the Republic of Macedonia,
- the Ombudsman and the regional offices of the Ombudsman,
- The Court.

If you want to submit a complaint regarding the services in the outpatient health care facility (for example, a dentist office, facilities of a primary care physician, or a polyclinic) you can address the complaint to the **Director of the health care facility**. This complaint should be submitted within a **deadline of 15 days** from the violation of the right or from the moment you realize that the right has been violated. The Director is obligated to respond **within 15 days** of receipt of your complaint.

Another option, which is introduced with the same law, is for you to go to the **Advisor for protecting the patients' rights**. In each health care facility where patients are admitted (hospitals), the "Office of the Advisor for Protecting the Patients' Rights" should be clearly marked and easy to find.

The advisor shall have the following tasks:

- **to provide legal aid to the patients,**

- to **review oral and written complaints** and to provide his/her opinion to the Director of the health care facility,
- to act as **mediator for peaceful resolution of the dispute** between the patient and the health care professional if there is an orally- submitted complaint,
- to maintain neat documentation regarding the complaints,
- **to educate the patients and the health care professionals about their rights and obligations,**
- to undertake other measures and activities in the direction of protecting the patients' rights.

Upon the completion of the procedure regarding the complaint, the documents become part of your medical record.

In order to avoid conflict of interests, the Advisor may not be employed in the health care facility where his/her office is located. The Advisor for protecting the patients' rights should be one of the employees in the Ministry of Health of the Republic of Macedonia.

Advisor for protection of patients' rights – Oncology Clinic in Skopje:
---

2009 - The advisor provided advices and legal aid for 68 patients and received 7 complaints (6 oral, 1 written)

2010 - The advisor provided advices and legal aid for 71 patients and received 2 oral complaints

2011 - The advisor provided advices and legal aid for 77 patients and received 3 complaints (1 oral, 2 written)

2012 (in the January – September period) - The advisor provided advices and legal aid for 30 patients and received no complaints

The majority of the complaints have been resolved in favour of the patients.

(Source: Requests for public information, Oncology Clinic, Advisor for protection of patients' rights, 2012)

As a patient, you can submit the complaint regarding the work of the outpatient health care facility (for example, the facilities of the primary care physician or the polyclinic) to **the Commission for promoting the patients' rights in your municipality.**

The office of the Commission for promoting the patient's rights in the municipality should be clearly marked and easily accessible, and here, we present some of the tasks of the Commission:

- to review complaints from patients and to suggest measures to the competent authorities,
- to keep records about the individual complaints of the patients, as well as about the measures that are undertaken for protection of the patients' rights,
- to propose measures for improving the protection of the patients' rights to the competent authorities.

Apart from these ways of protecting the patients' rights, the Law also determines the establishment of the **State commission for promoting the patients' rights** and **the Office for expert assistance to the insured patients in realizing and protecting their health insurance rights** in each regional office of the Health Insurance Fund of Macedonia (FZOM).

According to the Law, the **State commission for promoting the patients' rights** is founded by the Minister of Health and, amongst others, it has the following competences:

- to undertake activities for promoting the patients' rights and their protection;
- to propose measures for improving the protection of the patients' rights to the Minister of Health,
- to cooperate with the commissions for protection and promotion of the patients' rights founded by the municipalities, the Ombudsman and other competent bodies
- to demand an expert opinion if it is assessed as necessary for determining a certain condition,
- to publish informational, promotional and other material with the purpose to promote the protection of the patients' rights.

Members of the Commission must be patients, members of NGOs, the media, experts in the field of protection of patients' rights and representatives of the Ministry of Health.

Note: In the Law on the Protection of Patients' Rights it is stated that in each health care facility where patients are admitted (hospitals) the office of the Advisor for the protection of patients' rights should be clearly marked. By the end of 2011, according to the criteria established by law, such an office is established only on the Oncology Clinic in Skopje.

Within the Law it is also determined that in each municipality (including the municipalities within the city of Skopje) a Commission for protection of patients' rights should be established. According to the data from the Ombudsman office, such Commissions are established in 29 municipalities; in 21 municipalities their establishment is in process; 10 municipalities informed the Ombudsman that they do not fulfil the criteria for establishing such Commissions; while 15 have not submitted any information regarding this.

**At the end of 2011, the State commission for promotion of patients' rights was not established. The Commission is still not established.**

You can go to **the Office for expert assistance to the insured patients in realizing and protecting their health insurance rights** in each regional office of the Health Insurance Fund if you need to realize the **rights from the health insurance**, e.g. regulating the health insurance and the status of an insured person, reimbursement, etc.

You can submit a **complaint to the Ministry of Health** against the decisions adopted by the FZOM, the health care facilities and the State Sanitary and Health Inspectorate.

**The Ombudsman** is an institution founded in order to protect the constitutional and legal rights and interests of the citizens, hence to protect the patients' rights.

You can address the office of the Ombudsman (or one of its regional offices) **every time** you think that your rights have been violated or you have difficulties in their realization.

The Ombudsman is obligated to undertake measures when your rights have been violated by certain actions of the **state institutions** (ministries, courts, local authorities, various commissions, etc.) or when the state institutions do not react timely or when they did not undertake certain measure which should have been undertaken in the first place.

The Ombudsman **is not authorized** to undertake measures with immediate actions against the citizens that hinder other citizens in realizing their rights or measures with immediate actions against private companies that do not meet their responsibilities towards the employees (for example, the companies cannot be ordered by the Ombudsman to pay the contribution for the health insurance for the employees that have not been timely paid). However, the Ombudsman

can inform the competent institutions; hence, they have to undertake measures towards resolving the problems of the citizens.

The complaints submitted to the Ombudsman contain data about the submitting party of each complaint. If the complaints are anonymous, the Ombudsman will undertake adequate measures **only if** the matter includes wider social interest, i.e. if a majority of the citizens are affected by this problem; and, in certain cases, **measures can be undertaken by the Ombudsman's own initiative**. There have been such cases in the past and they resulted with positive outcome, i.e. the measures undertaken by the Ombudsman on his/her own initiative have contributed for successful protection of the rights of the citizens.

By 2010, the Ombudsman had acted on a total of 119 complaints in the field of health care (93 of which were received in 2010). 78 complaints have been resolved and 41 complaints remained open for resolving in 2011.

In the 2011, the Ombudsman had received a total of 115 complaints in the field of health care. 104 of them have been resolved and 50 complaints remained open for resolving in 2012.

Source: Ombudsman, Annual report for 2011

The Ombudsman has offices in Skopje, Bitola, Tetovo, Kichevo, Shtip, Strumica and Kumanovo, and the services provided to the citizens by this institution are free of charge.

All options for protecting the rights stated above **are good opportunities for fast and inexpensive protection of the patients' rights**.

Advice: It would be best to **always** submit your requests, complaints and other submissions to the relevant authorities **in writing** or to draw up minutes and **to insist that a written reply** be personally handed to you, or delivered by mail or e-mail. This is to ensure that both you and the relevant authority can easily track the course of the procedure, to avoid misunderstandings, misinterpretations, wrongfully communicated/understood information, and also to be able to meet the deadlines for taking certain measures. Often, due to legal limitations, the relevant authorities may not act if you only state your request/complaint orally and do not agree for minutes to be drawn up.

At the end, the **court procedures** (administrative, civil and criminal) are one additional opportunity for protecting the patients' rights. Different court procedures can be initiated in different cases.

For more details about when you can initiate a court procedure and what kind of procedure you should initiate for certain case, it would be best to consult a lawyer or the organizations that offer free legal aid because each case is different, and hence, the possibilities for undertaking legal measures are different.

## USEFUL CONTACTS

### Ministry of Health of the Republic of Macedonia

Address: ul. 50 Divizija br. 6  
1000 Skopje  
Phone: 02/ 3112 500  
Website: <http://moh.gov.mk/>

“White phone” – for all questions and information

Number: 15 - 444

### Health Insurance Fund of the Republic of Macedonia

Address: ul. Makedonija bb  
1000 Skopje  
(next to the Army Culture Club)  
P.O. BOX 237  
Phone: 02/ 3289 043; 02/ 3289 007; 0800 33 222  
Website: <http://www.fzo.org.mk/>

### Regional offices of the Health Insurance Fund - contact information

(source - <http://www.fzo.org.mk/>):

Regional Office	Phone	Address
Berovo	033/ 471-027	Maldinski kej br. 2
Bitola	047/ 231-614	Ivan Milutinovik bb
Brod	045/ 275-812	Dimitar Vlahov br. 4
Valandovo	034/ 381-047	Boris Kidrich br. 4
Vinica	033/ 363-303	Shefki Sali br. 6
Gevgelija	034/ 212-945	Bel kamen bb
Gostivar	042/ 214-559	7 noemvri bb
Debar	046/ 831-050	Borche Jovanovski bb
Delchevo	033/ 411-129	8 septemvri br. 15
Demir Hisar	047/ 276-744	Makedonija bb
Kavadarci	043/ 413-312	Bitolska bb
Kichevo	045/ 225-179	JNA br. 11
Kochani	033/ 279-130	Mirko Milevski br. 23
Kratovo	031/ 481-994	Dimitar Vlahov br. 5
Kriva Palanka	031/ 375-931	Gove Delchev bb
Krushevo	048/ 477-123	Nikola Tesla bb
Kumanovo	031/ 420-076	Shila mina br. 20
Negotino	043/ 361-832	11 oktombri br. 2
Ohrid	046/ 260-265	Marshal Tito br. 179
Prilep	048/ 411-485	Dimitar Vlahov bb
Probishtip	032/ 483-133	Gjorche Petrov bb
Radovish	032/ 635-714	Jordan Stojanov br. 20
Resen	047/ 451-079	Ana Pockova br. 1
Sveti Nikole	032/ 443-616	Mite Bogoevski br. 21
Skopje	02 /3118-566	Karposheva br. 36
Struga	046/ 780-706	Bul Kocho Racin br. 91
Strumica	034/ 322-012	Marshal Tito bb

Tetovo	044/ 336-160	Marshal Tito bb
Veles	043/ 233-644	Marshal Tito br. 82
Shtip	032/ 397-833	Strasho Pindzur bb

**State Sanitary and Health Inspectorate**

Address: bul. Vodnjanska bb

1000 Skopje

Phone: 02/ 3112-500 extension 111 и 02/ 3112-500 extension 104

**Ombudsman of the Republic of Macedonia**

Address: ul. Dimitrie Chuposki br. 2

1000 Skopje

(building of construction company Pelagonija)

E-mail: [contact@ombudsman.mk](mailto:contact@ombudsman.mk)

Phone: 02/ 3129 335

Fax: 02/ 3129 359

Ombudsman of the Republic of Macedonia – **Office in Tetovo**

Address: ul. Ilindenska br. 85, Tetovo

E-mail: [contact@ombudsman.mk](mailto:contact@ombudsman.mk)

Phone: 044/ 344 081

Fax: 044/ 344 083

Ombudsman of the Republic of Macedonia – **Office in Kumanovo**

Address: ul. Trg Nova Jugoslavija br. 24, Kumanovo

E-mail: [contact@ombudsman.mk](mailto:contact@ombudsman.mk)

Phone: 031/ 431 448

Fax: 031/ 431 520

Ombudsman of the Republic of Macedonia – **Office in Shtip**

Address: ul. Toso Arsov bb (building of QBE Macedonia), Shtip

E-mail: [contact@ombudsman.mk](mailto:contact@ombudsman.mk)

Phone: 032/ 389 701

Fax: 034/ 389 700

Ombudsman of the Republic of Macedonia – **Office in Kichevo**

Address: ul. Bulevar Osloboduvanje bb (building of QBE Macedonia), Kichevo

E-mail: [contact@ombudsman.mk](mailto:contact@ombudsman.mk)

Phone: 045/ 228 586

Fax: 045/ 228 584

Ombudsman of the Republic of Macedonia – **Office in Strumica**

Address: ul. Marshal Tito bb (building of QBE Macedonia), Strumica

E-mail: [contact@ombudsman.mk](mailto:contact@ombudsman.mk)

Phone: 034/ 329 995

Fax: 034/ 329 997

Ombudsman of the Republic of Macedonia – **Office in Bitola**

Address: ul. Jane Sandanski bb (building of QBE Macedonia), Bitola

E-mail: [contact@ombudsman.mk](mailto:contact@ombudsman.mk)

Phone: 047/ 242 310

Fax: 047/ 242 510

The following sources were used in the preparation of this PFG:

- Human Rights in Patient Care – Practitioners' Guide
- Constitution of the Republic of Macedonia
- Law on the Protection of Patients' Rights
- Law on Health Care
- Law on Health Insurance
- Law on Safety and Health at Work
- Law on Population Protection against Diseases
- Criminal Code
- Law on Ombudsman
- European Charter of Patients' Rights
- [www.healthrights.mk](http://www.healthrights.mk)
- [www.ombudsman.mk](http://www.ombudsman.mk)
- [www.fzo.org.mk](http://www.fzo.org.mk)
- [www.moh.gov.mk](http://www.moh.gov.mk)