

**VETERANS AFFAIRS PALO ALTO HEALTH CARE SYSTEM**  
**3801 Miranda Avenue**  
**Palo Alto, California 94304-1290**

**Effective Date: August 7, 2012**

**Issue Date: August 7, 2012**

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**HEALTH CARE SYSTEM MEMORANDUM No. QM-12-08**

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**SUBJECT: RIGHTS AND RESPONSIBILITIES OF INDIVIDUALS RECEIVING CARE AT THE VA PALO ALTO HEALTHCARE SYSTEM**

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1. **SUMMARY:** This is a new Health Care System Memorandum (HCSM) outlining the rights and responsibilities of individuals receiving care at the VA Palo Alto Healthcare System (VAPAHCS).
2. **PURPOSE:** To outline the policy and procedures in accordance with the requirements from the Joint Commission (TJC) involving rights and responsibilities for individuals who receive care at the VAPAHCS. VAPAHCS respects an individual's right to make decisions about his or her care, treatment and services, and to involve their family regarding, services, care, and treatment decisions to the extent permitted by the individual who receives care or his/her surrogate decision maker. A family member may be the surrogate decision-maker, as defined in Veterans Health Administration (VHA) Handbook 1004.02, Advance Care Planning and Management of Advance Directives, if authorized to make care decisions for the individual, should he or she lose decision making capacity. The health care system allows a family member, friend, or other to be present with the individual who receives care for emotional support during the course of stay. The health care system allows for the presence of a support person of the individual who receives care, unless the person's presence infringes on others' rights or safety, or is medically or therapeutically contraindicated. The person may or may not be the representative of the individual who receives care surrogate decision-maker or legally authorized representative. The health care system prohibits discrimination based on age, race, ethnicity, religion, culture, language, physical or mental disability, socioeconomic status, sex, sexual orientation, and gender identity or expression.
3. **POLICY:** It is VAPAHCS policy to ensure that individuals who receive care at VAPAHCS are provided quality healthcare in a respectful and courteous manner and receive the benefits and rights, to which they are entitled, through an integrated healthcare delivery system, providing primary care, specialty care, extended care, and related social support services.

**4. DEFINITION:**

a. Family – is a group of two or more persons united by blood, or adoptive, marital, domestic partnership or other legal ties. The family may also be a person or persons not legally related to the individual (such as significant other, friend or caregiver) whom the individual considers to be family.

b. Service Level Patient Advocate (SPA). A Service-level Advocate is an employee designated at the service level, or point of service, who assists front-line staff in resolving issues after first attempts at resolution have not been successful. A Service-level Advocate resolves issues for individuals receiving care, working in collaboration with the VAPAHCS Patient Advocate to identify opportunities for improvement. Service-level Advocates may be granted access to enter data into the Patient Complaint/Compliment Tracking Package.

c. Patient Advocate Tracking System (PATS). PATS is a computer based website application that tracks patient complaints and compliments at each Medical Center.

d. Individuals Receiving Care (IRC): Those individuals who are receiving care in the VAPAHCS, including Community Living Center (CLC). This may include Active Duty Military Personnel and those enrolled in the Civilian Health and Medical Program of the Department of Veterans Affairs (CHAMPVA).

**5. PROCEDURES:**

a. The basic rights and responsibilities of individuals receiving care at VAPAHCS are outlined in this document. In all of our activities, VAPAHCS employees will respect and support the rights of individuals who receive care at VAPAHCS, their families, or identified support persons. Individuals who receive care at the VAPAHCS, their family members, and identified support persons, may speak with the VA treatment team members or a Patient Advocate if they have questions or would like more information about their rights.

(1) **Respect and Nondiscrimination:**

(a) Individuals who receive care at VAPAHCS will be treated with dignity, compassion, and respect as an individual. Their privacy will be protected. They will receive care in a safe environment. We will seek to honor their personal and religious values.

(b) Individuals who receive care at the VAPAHCS have the right to keep and spend their own money and the right to request and receive an accounting of VA-held funds.

(c) Treatment will respect the personal freedoms of individuals who receive care at the VAPAHCS. In rare cases, the use of medication and physical restraints may be used if all other efforts to keep the individual receiving care or others free from harm have not worked.

(d) Individuals who receive care may wear their own clothes and keep personal items (depending on their medical condition).

(e) Individuals who receive care have the right to social interaction and regular exercise. They will have the opportunity for religious worship and spiritual support. Individuals who receive care may decide whether to participate or not participate in these activities. They may decide whether or not to perform tasks in or for the health care system.

(f) Individuals who receive care have the right to communicate freely and privately. They may have or refuse visitors. They will have access to public telephones to make and receive calls. Individuals admitted to an inpatient unit, may opt out of being included in the facility directory. Residents of the Community Living Center (CLC) may participate in their civic rights, such as voting and free speech.

(g) Individuals who receive care can organize and take part in groups and activities at VAPAHCS. His/her family also may meet with families of other individuals who receive care.

(h) In order to provide a safe treatment environment for all individuals who receive care at the VAPAHCS, their family members, facility guests, and staff, all persons are asked to respect the rights of all individuals who receive care and to follow VAPAHCS rules. They are to avoid unsafe acts that place others at risk for accidents or injuries. Individuals who receive care are to immediately report any condition they believe to be unsafe.

(2) **Information Disclosure and Confidentiality:**

(a) Individuals who receive care at VAPAHCS will be given information about the health benefits they can receive. The information will be provided in a way they can understand.

(b) Individuals who receive care at VAPAHCS will receive information about the costs of their care, if any, before they are treated. They are responsible for paying their portion of the costs associated with their care.

(c) Medical records of individuals who receive care at VAPAHCS are confidential. Information about individuals who receive care at VAPAHCS will not be released without his/her consent, unless authorized by law (i.e., state public health reporting). Individuals who receive care at VAPAHCS have the right to information in their medical records and may request a copy of their records. This will

be provided, except in rare situations where the VA physician feels the information would be harmful to the individual receiving care. In that situation, the individual receiving care has the right to discuss with his VA provider.

(d) Individuals who receive care at VAPAHCS will be informed of all outcomes of care, including any potential injuries. They will be informed about how to request compensation for injuries.

(3) **Participation in Treatment Decisions:**

(a) Individuals, who receive care at VAPAHCS, and any persons they choose, will be involved in decisions about their care. They will be given information they can understand about the benefits and risks of treatment. Individuals who receive care at VAPAHCS will be given other options. They can agree to or refuse treatment. They will be told what is likely to happen to them if they refuse treatment. Refusing treatment will not affect their rights to future care, but Individuals who receive care at VAPAHCS will take responsibility for the possible result to their health.

(b) Individuals who receive care at VAPAHCS should tell their providers about their current condition, medicines (including over-the-counter and herbals), and medical history. They should also share any other information that affects their health. Individuals who receive care at VAPAHCS should ask questions when they do not understand something about their care. This will help in providing them the best possible results.

(c) Individuals who receive care at VAPAHCS will be given, in writing, the name and professional title of the provider in charge of their care. As partners in healthcare, they have the right to be involved in choosing their providers. They have the right to know the names and titles of those who provide their care. This includes students, residents and trainees. Providers will properly introduce themselves when they take part in the care of Veterans and others.

(d) As partners in the healthcare process, Individuals who receive care at VAPAHCS have the right to be educated about their role and responsibilities for the safe delivery of care. This includes care at the end of life.

(e) If an individual who receives care at VAPAHCS believes he/she cannot follow the treatment plan, he/she has a responsibility to notify his/her provider or treatment team.

(f) Individuals who receive care at VAPAHCS have the right to have their pain assessed and to receive treatment to manage their pain. Each individual who receives care at VAPAHCS and his/her treatment team will develop a pain management plan together. He/she is expected to help the treatment team by telling them if he/she has pain and if the treatment is working.

(g) Individuals, who receive care on an inpatient unit or at the CLC, will be provided any transportation necessary for their treatment plan.

(h) Individuals who receive care at VAPAHCS have the right to choose whether they will or will not participate in any research project. Any research will be clearly identified. Potential risks of the research will be identified, and there will be no pressure on individuals who receive care at VAPAHCS to participate.

(i) Individuals who receive care at VAPAHCS will be included in resolving any ethical issues about their care. They may consult VAPAHCS Ethics Consultation Service and/or staff knowledgeable about health care ethics.

(j) If an individual who receives care at the VAPAHCS believes that he/she has been neglected, abused, or exploited, they will receive help, in accordance with HCSM QM-11-02, Patient Abuse.

(4) **Complaints:**

(a) Individuals who receive care at VAPAHCS are encouraged and expected to seek help from their treatment team and/or Patient Advocate if they have problems or complaints.

(b) Individuals who receive care at VAPAHCS will be given understandable information about the complaint process available to them.

(c) Individuals who receive care at VAPAHCS may complain verbally or in writing, without fear of retaliation or barriers to service.

(d) Written copies of complaints entered in the PATS are available upon request through the Release of Information (ROI) Office.

(e) All written complaints are administered by the Director's Office and a written response is provided within 30 days.

**6. RESPONSIBILITIES:** Patient Advocate Office and Service Level Patient Advocates will facilitate all verbal complaints, compliments, and concerns raised by any person as well as individuals who receive care at VAPAHCS. Patient Advocate Office and QM Suspense Group will facilitate all written complaints, compliments, and concerns. The Release of Information Office will provide a written copy of the complaint or compliment entered into PATS.

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**7. REFERENCES:**

- a. VA Directive and Handbook 1050.1.
- b. VA Directive and Handbook 5021.
- c. Title 38 Code of Federal Regulations 17.33a.
- d. The Joint Commission Manual, Current Edition Patient's Rights and Organizational Ethics
- e. Patient Rights and Responsibilities; VA Form 10-88 10/2006; Addendum 2/2012
- f. Commission of Accreditation of Rehabilitation Facilities (CARF), Section 1.K.4, Rights of Person Served

**8. RESCISSION DATE:** August 31, 2015

**9. RESPONSIBLE OFFICIAL:** QM Manager

Elizabeth Joyce Freeman  
Director