



Protection of the patients' rights

with focus on the rights of Roma as patients

The right to health is an internationally recognized right. It was defined for the first time by the World Health Organization as „right of any individual to the best attainable mental and physical health“.

The right to health is most closely related to the protection of patients' rights which represent a set of rights, responsibilities and obligations, based on which individuals request and receive health care.

These rights are stipulated by the Law on protection of patients' rights in Republic of Macedonia.

In the preparation of the brochure, also participated:
Non-governmental organization „KHAM“, Delcevo



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The brochure is part of the project:
Human rights in health care

PATIENTS' RIGHTS

Right to preventive measures

The preventive measures refer to the activities for prevention of a disease. The group of preventive measures include: systematic check-ups, vaccination, as well as tests to detect diseases (HIV, tuberculosis, brucellosis and other infectious diseases).

EXAMPLE FROM PRACTICE

- Free blood pressure measurement and blood sugar tests. In this way, citizens can control their health for free.
- Free preventive examinations to diagnose breast cancer. Through examination of women by use of mammography, early-stage breast cancer can be diagnosed.
- Free colonoscopy to diagnose colon cancer in men aged 55 or more. The aim is to diagnose colon cancer in its early stage.
- Infection with Hepatitis A of 9 Roma families due to non-cleaned channels and illegal landfills.

Right to access

Health institutions and health services must be available to all patients regardless of gender, race, skin color, language, religion, political or any other opinion, national or social background, national minority, material status, sexual orientation or any other status.

EXAMPLE FROM PRACTICE

- Only several hours after the delivery, a health worker asks for a blue health insurance card from a Roma woman, who moved from another place without having regulated her health insurance coverage, with the explanation provided that she will have to pay for the provided health service if she does not have the respective blue card or she will not be allowed to leave the medical institution.
- A dentist refuses to provide health care to a patient who is HIV positive.

Right to information

This right implies provision of complete information to the patient about his/her health status, such as the recommended medical interventions, possible benefits and risks from (non)implementation of medical interventions, possible substitutes for medical interventions, reasons for possible differences of the medical intervention outcome, as well as about the names, professional background of medical staff that directly provide health care to the patient. The medical staff must provide the necessary information to the patient in comprehensive and simple way.

EXAMPLE FROM PRACTICE

- The medical institution displays the positive list of medicaments of the Health Insurance Fund at places which are easily accessible by patients.
- The patient submits request to be informed about the exercising of his/her right to the Commission for improvement and protection of patients' rights in cases of unprofessional treatment and malpractice, however, the Commission refers the patient to exercise the right through the institutions without providing information about the possible ways.

Right to consent

The patient can accept or refuse certain medical intervention by signing the template statement at the medical institution, which the patient can withdraw at any time. Parents/custodians decide about patients aged under 18.

EXAMPLE FROM PRACTICE

- The health worker, who diagnosed acute leukemia in pregnant woman, informs her about the possibilities for treatment and recommends termination of the pregnancy as the best choice to save her life and prevent congenital anomalies of the fetus. Despite that the patient's family members were against the conduction of such medical intervention, the health worker expected the patient to make her own decision.

Right to privacy and confidentiality

The medical records about the patient must be kept secret also after the patient's death, except in cases when: the patient gave written consent; the record is indispensable for undertaking the medical intervention for the patient at other institution; the records are used in historical, scientific, research and educational purposes, under the condition that the patient's identity cannot be disclosed even when the data are used for animal protection, safety or health of other people.

The patient must be provided with conditions that ensure privacy of the medical interventions, in particular when receiving personal care.

EXAMPLE FROM PRACTICE

- The health worker refuses to give data about the health status of the patient to her husband, as she gave written statement that prohibits the record to be disclosed to her husband. The requested information is not vital for the protection of his health.



RIGHT
to health

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RIGHT
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Right to safety

This right implies to ensure the personal safety of the patient during the stay at the medical institution.

EXAMPLE FROM PRACTICE

- Mandatory testing of donated blood and blood products. This ensures that the patient who receives the donated blood is not infected with blood-transmissible disease.
- The dentist makes a check-up for the patient with an inadequately sterilized instrument, which decreases the safety both for the patient and the health worker.

Right to access to new treatment and diagnostics procedures

Medical institutions should tend to improve the health services quality through provision of new and contemporary devices and instruments. However, if certain health service is not available in the country, the patient should be enabled treatment abroad.



EXAMPLE FROM PRACTICE

- Based on conciliar opinion, the patient is referred to surgical liver transplantation, because this procedure is not conducted in Macedonia, however, it is covered by the health insurance. Following the approval for the treatment, the insured person participates with 20% in the total cost, but not more than 200 Euros in amount equivalent to MKD for the health services.

Right to avoid unnecessary suffering and pain

Any procedure undertaken by the health workers should tend to alleviate the patient's pain at any stage of the disease, as well as to restore his/her health.

EXAMPLE FROM PRACTICE

- A health worker, who is a gynecologist-obstetrician, informs the woman in childbirth about the possibilities for epidural and spinal anesthesia during spontaneous delivery to relieve the labor pain.



Right to individual treatment

As every patient has individual needs, health workers must maximally adjust their diagnosis and therapy to the specific needs of the patient.

EXAMPLE FROM PRACTICE

- Dividing patients who use kidney dialysis services at different places depending on their health status, in the sense that an individual infected with Hepatitis B cannot receive treatment on a dialysis device used for other patients in order to prevent them from being infected.

Right to complaint

The patient can submit written complaint to the director of the medical institution within 8 days from the day of violation of the right or day of cognizance of such violation, whereby the director after having examined the content of the complaint should notify the patient in written within 15 days from the receipt of the complaint.

EXAMPLE FROM PRACTICE

- A patient submits written complaint to the director of the medical institution regarding the action taken by a health worker. The director, after having considered the allegations in the complaint, points out the mistake to the health worker, and the mistake is corrected within the institution.

Right to compensation

In cases of inflicted physical, moral or psychological damage or in case of suffering caused by the treatment or by the services of the health system, patients are entitled to adequate compensation through initiation of court proceedings in front of a competent court. Furthermore, patients should be refunded about the medicines from the positive list of the Health Insurance Fund, which the patient was enforced to purchase individually due to lack of those medicines at the pharmacies.

EXAMPLE FROM PRACTICE

- For regular therapy with medicines, which are included in the treatment protocols and the positive list of medicines of the Health Insurance Fund, in a regular procedure the insured person is refunded the payment made for the procurement of medicines which were unavailable at the pharmacies which have signed cooperation agreements with the Health Insurance Fund.

Right to second expert opinion and conciliar opinion

The patient can always ask for second expert opinion about his/her health status from a health worker who has at least the same professional background and has not directly participated in the initial medical intervention for the patient.

EXAMPLE FROM PRACTICE

- Four elderly people of Roma nationality, following the conciliar opinion, were sent for treatment at the health resort Banskó.
- Patient with chronic kidney insufficiency, who has been on kidney dialyses for a long time, requests conciliar opinion for kidney transplantation from a compatible donor from close family members. The concilium gives negative opinion without explanation based on the patient's medical record.

Right to maintaining contacts

Patients can receive visitors in line with the house rules of the medical institution, and may limit the visits to one or several people.

EXAMPLE FROM PRACTICE

- In the framework of their capacity, public and private medical institutions provide access to the public media (television, radio, daily newspapers and magazines) and telephone connection (for additional fee) for their patients.

Right to access the medical record

Upon patient's request, the medical institution should enable excerpt or copy from the patient's medical record, however, the printing costs should be covered by the patient.

PATIENTS' OBLIGATIONS

Every patient, during his/her stay at the medical institution, in accordance with the health status, is obligated to:

1. take care of his/her personal health;
2. provide true and sufficient data about his/her health status, in line with the personal capacities and information at disposal;
3. actively assist the health workers who provide health care;
4. act according to the advice from the health workers about his/her care, treatment and rehabilitation;
5. respect the rules of conduct, i.e. house rules of the medical institution;
6. accept engagement, if that is part of his/her rehabilitation and resocialization aimed to reactivate his/her social skills and
7. respect the professional and human dignity of health workers.



WHERE TO LOOK FOR ASSISTANCE IF ANY OF YOUR RIGHTS ARE LIMITED OR VIOLATED?

- If you consider that any of your rights have been violated or limited in any of the public health medical institutions (hospital, clinic, institute), ask if there is an engaged advisor for protection of patients' rights in that hospital/clinic. The advisor can give you legal advice or assist you to lodge oral/written complaint. If the hospital/clinic does not have such advisor or the violation was committed in a non-hospital medical institution (health home, health station), submit the complaint directly to the director of the respective institution.
- The director of the institution, after having examined the allegations from the complaint, is obligated to notify you about the undertaken measures within 15 days.
- If you believe that the director has not taken the necessary measures, you can file a petition to the Ministry of health, which is obligated to examine the allegations from your petition and notify you about the undertaken measures within 15 days.

- Concurrently, you can file request for conduction of inspective oversight also to the State sanitary and health inspectorate, which after having conducted the oversight has the authorization to issue order for the medical institution and the health worker to undertake adequate measures and activities depending on the type of violation of the right.
- At the municipalities, there are established Commissions for improvement and protection of patients' rights. You can lodge a complaint to these commissions, and they are obligated to examine it and refer you to the competent authorities which can help you with exercising your rights.
- If you are not satisfied with any of the responses from the above-stated bodies, you can initiate a court proceeding in front of a competent court.
- If any of your rights arising from health insurance have been violated or limited, ask for assistance at the Health Insurance Fund of Republic of Macedonia and its regional units.



WHO CAN HELP WITH EXERCISING YOUR RIGHTS?

Citizen associations

Citizen associations can provide free legal assistance, which means that they can provide the necessary information, advise you as well as assist you in the collection of the required documentation, help you with the drafting of request, complaint, petition, appeal and other submissions.

For advice, assistance and support, please contact:

● **National Roma Centre**
Street „Done Bozinov“ No. 11/5
Kumanovo
Tel: 031/427 558

● **KHAM Delcevo**
Street „Marshal Tito“ b.b.
Tel: 033/413 695

● **Roma S.O.S.**
Street „Dabnichka“ No. 31
Prilep
Tel: 048/429 328

● **RRC – Roma Resource Centre**
Street „Vietnamska“ No. 9
Suto Orizari, Skopje
Tel: 02/ 3103 666

● **CDRIM – Centre for democratic development and initiatives in Macedonia**
Street „Vinichka“ No. 10
Suto Orizari, Skopje
Tel: 02/2656 680

● **Association for Roma rights**
Street „Borko Talev“ No. 48
Shtip
Tel: 032/380 517

● **Forum for the rights of Roma „ARKA“**
Street „Karaorman“ No. 6
Kumanovo
Tel: 031/421 362

● **LIL**
Street „Luka Gerov“ b.b.
(Neighborhood Dame Gruev)
Tel: 02/2031 201

CONTACT

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Roma health mediators

Roma health mediators can facilitate your access to health services, assist you in establishing good relations with health workers and advise you about taking better care of your health and the health of the people close to you.

How can a Roma health mediator help you?

1. Advise and talk to you about all your health problems and problems of your family.
2. Assist you (accompany, inform, clarify, explain) in overcoming the problems and making contacts at the medical institutions.
3. Inform you about the health services that you are entitled to and assist you in filling out the required documentation.
4. Assist you in obtaining the medical booklet and health insurance.
5. Inform about and explain your rights and obligations as patient.
6. Establish contacts with certain institutions when a particular patient's right has been violated
7. Assist and inform about vaccination/immunization of your children.

Roma health mediators can also visit you at your home, if you need their assistance.

- Municipality of Suto Orizari
 - Shishkovska Ljatifa 078/264 454
 - Elviz Iljaz 077/705 360

- Municipality of Shtip
 - Senem Jasharova 077/868 355
 - Igbal Aliova 076/725 541

- Municipality of Gostivar
 - Nesrin Kurtishi 071/883 718
 - Arife Shakiri 076/534 233

- Municipality of Bitola
 - Selma Ademovska 075/815 436

- Municipality of Prilep
 - Dzeljan Sharifoska 076/569 313

- Municipality of Kocani
 - Almadet Osmanova 076/500 733
 - Serdzat Idik 070/424 893

- Municipality of Tetovo
 - Turkan Limani 077/673 682
 - Shefkete Hamza 078/568 018

Roma information centres

Roma information centers are usually either located at or close to the municipal premises. The staff at the centers can provide you with legal advice, refer you to the competent institutions where you can exercise your rights, assist you with filling out, drafting and copying the required documents that you want to submit or assist you in obtaining the documents.

● RIC Skopje
Municipality of Suto Orizari
Street „Suto Orizari“ b.b. –
Skopje
Tel: 02-2650-584

● RIC Bitola
Boulevard „1 Maj“ No. 61
Tel: 047-234-234

● RIC Delcevo
Tel: 033-411-101

● RIC Gostivar
Street „Braka Ginoski“ b.b.
Tel: 042-217-234

● RIC Kumanovo
Street „11 Oktomvri“ b.b.
Tel: 031-425-127

● RIC Prilep
Street „Pitu Guli“ No. 2
Tel: 048-416-454

● RIC Tetovo
Street „JNA“ b.b.
Tel: 044-335-499

● RIC Shtip
Street „Vasil Glavinov“ b.b.
Tel: 032-391-010

● RIC Kocani
Street „Rade Kratovce“ No. 1
Tel: 033-270-075



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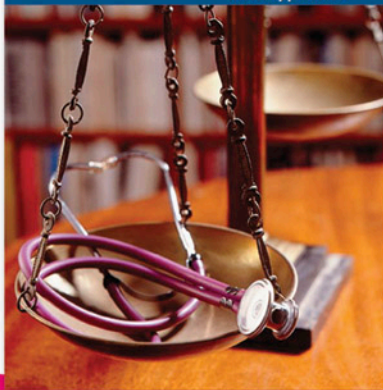


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Human rights in health care

ЧОВЕКОВИТЕ ПРАВА

во здравствената заштита
ПРИРАЧНИК ЗА ПРАКТИЧАРИ

МАКЕДОНИЈА



*the electronic version of the manual can be
downloaded on our website:
www.healthrights.mk

BECOME FAMILIAR WITH:

- Basics of human rights in health care through the Manual on human rights in health care
- International and regional documents and mechanisms that guarantee and protect the implementation of the right to health
- National legislation and ways to protect the right to health in our country
- Rights and obligations of health workers in provision of health care
- Rights and obligations of patients in the realization of health care and health insurance
- Relevant publications that refer to different health matters and access to health care
- Institutions that work in the sphere of health care, health insurance and legal protection provision in our country