

Information about

RIGHTS

of patients in child and youth psychiatry and their parents



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DEAR PATIENT

undergoing child and youth psychiatry treatment – and your parents

In this brochure, the psychiatric service in Region Midtjylland wishes to give you and your parents information about the rights of you and your parents in connection with your treatment.

The first part of the brochure contains information for patients aged between 15 and 18 and their parents. The second part of the brochure contains information for parents of patients aged 0–14.

We hope this brochure will give you answers to questions that may arise regarding the treatment.

This brochure also explains where you can find additional information.

We have chosen not to refer to specific laws and regulations, as these are changed frequently. Instead, we refer to websites with up-to-date rules.

The brochure also tells you how to complain if any aspect of the treatment is unsatisfactory.

You can find information about mental illnesses on the Mental Health website www.psykiatrien.rm.dk.

Information for people like yourself aged between 15 and 18 and having psychiatric treatment (and for your parents)

Contact

As a patient, you will be assigned a contact from the department/section you are linked to. You will be issued with a contact card, with the name and telephone number of your contact. Your contact will help to provide continuity in your treatment and will help you to get answers to all your questions.

Your parents are also informed about your contact and can talk with your contact at any time to obtain advice and guidance.

Working with your parents

The psychiatric service in Region Midtjylland is keen to work with your parents and relatives in relation to your treatment. We take your wishes into account if there are specific people you do not want us to work with. However, we always have to work with the person who has custody of you.

If important considerations for you and your relationship with your parents so indicate, we can avoid involving the person who has custody. For example, this may be if communication of information could lead to serious conflicts in the family.

The staff can, without your consent, inform your parents about general matters relating to mental illnesses and treatment, and can also inform them

about where they can obtain help and support.

Right to information about your illness and treatment

You have the right to obtain information about your state of health, illness and treatment options. You must also be given information about the risks and possible side-effects on the treatment and about the consequences if you do not wish to have treatment. You also have the right to obtain information about the outcome of your treatment.

Observer

You have the right to have a relative or another person with you as an observer in consultations about treatment. However, healthcare professionals can decide to waive this right if any significant public or private interests carry greater weight than consideration for you as a patient. If you are refused, you will be given a verbal justification, and you can also ask for justification in writing.

For example, if you are not allowed to have an observer present during a consultation about treatment, you can contact the National Social Appeals Board (Ankestyrelsen), which supervises Region Midtjylland's compliance with legislation. The National Social Appeals Board is not a

complaints body, and it is their decision whether to take up a case.

Treatment plan

If you are admitted to hospital, the staff will commence a provisional treatment plan within the first 24 hours.

A provisional treatment plan is a plan with observational diagnoses or brief diagnostic considerations as well as examinations and treatment.

A treatment plan must be in place within one week.

If you receive outpatient treatment – i.e. without a hospital stay – the staff will make sure a treatment plan is prepared for you by your second appointment at the latest.

If possible, the staff will work with you concerning your treatment plan. You will

be given a copy of your treatment plan, unless you do not want one.

Self-determination and informed consent

You must give your informed consent before the start of your treatment.

The person in charge of your treatment, for example your GP, must provide you with in-depth information about your illness and your treatment. You must also be given information concerning the consequences if you do not wish to start treatment. This is what is meant by informed consent: you have to be informed before you give your consent.

The person in charge of your treatment can also decide that the person with custody of you is the person who can give informed consent for your treatment. This might be done, for example, if the person in charge of your treatment is of the opinion that you are not able to foresee the consequences of your choices.

Consent can be withdrawn at any time.

If you are between 15 and 18, you may give consent yourself. However, your parents must be given the same information as you, and they will be involved before treatment starts. If you do not agree with your parents, the decision is yours. However, there are exceptions to the requirement for you to give your informed consent:

Treatment plans are reviewed (corrected) in light of the following:

- Deviating (new) results from examinations
- Significant changes in your condition (you are feeling better/worse)
- Changes in the overall treatment strategy (e.g. new treatment methods)
- Changes in your diagnosis/diagnoses (what is wrong with you)
- Completed diagnosis (e.g. when you need to start medical treatment after an examination)

In order for you or the person who has custody to be able to give informed consent, you must be given information on:

- What is wrong with you
- What treatment options are available
- What possible complications and side-effects there could be from an examination or treatment
- What options are available for prevention and care
- The possible consequences if you do not wish to receive treatment
- The expected outcome of the treatment

- If you are in a life-threatening situation requiring immediate treatment and cannot give your informed consent, you will be treated without consent.
- Under certain special conditions, the Danish Psychiatric Care Act allows for deprivation of your freedom and treatment in a psychiatric ward to be initiated without your informed consent. The law also allows for other use of compulsion. Examples of enforced intervention are enforced hospitalisation, deprivation of your freedom and enforced treatment. Enforced intervention is intervention that you have not consented to. Force can only be applied, however, once everything possible has been done to obtain your consent, and

always according to a principle of minimum use of force, which means the staff will not apply any more force than absolutely necessary with due consideration for your treatment.

Strict conditions are attached to the use of force, and patients handled with force have special rights – for example, you will be assigned a patient advisor.

Patient advisor

The patient advisor must visit you as soon as possible and no later than 24 hours after force was applied, followed by visits at least once a week.

The patient advisor must give you guidance about everything to do with being admitted to hospital, your hospital stay and treatment. The advisor can also help you to make a complaint if you need to.

Duty of non-disclosure

The staff are subject to a duty of non-disclosure. As a rule, they must not pass on information about your health or other personal information without your consent. The duty of non-disclosure also applies in relation to relatives.

Passing on and obtaining information

As a rule, information may only be passed on with your consent. As regards passing on information in connection with or after your treatment, verbal consent is enough. If information is to be passed on for purposes other than treatment, written consent is needed, and it is valid for one year only.

Consent may be withdrawn at any time.

There are instances where your prior consent is not required:

1. If it is necessary to pass on information to the staff involved in your treatment or staff continuing your treatment.
2. If a letter of discharge has to be written to your GP or the specialist who referred you for hospital treatment.
3. If information has to be passed on to a doctor who has previously been involved in your treatment.
4. If information has to be passed on to a student who is involved in your treatment.
5. If the information is to be used for development or quality assurance of the treatment.
6. If it is necessary to pass on information for reasons of a common interest, for reasons of significant considerations relating to yourself or others.
7. If this is required by law.
8. If this is necessary to enable a public authority to undertake supervisory and control tasks.

As a patient, you can actively opt out of information in items 1–5 being passed on.

Obtaining information:

It may be necessary to obtain information about you in connection with your treatment. As a rule, your consent is required, but there are instances where this can be deviated from:

1. Obtaining electronic health information in connection with treatment.
2. Obtaining necessary information for reasons of what is obviously a common interest, out of important considerations relating to yourself or others.

As a patient, you can actively opt out of information in item 1 being obtained.

You can complain to the Danish Agency for Patient Complaints if you think that health information about you has been wrongfully passed on or obtained.

Access to documents

You have the right of access to documents in your medical records. This means that you have the right to see your medical records and possibly to obtain a copy of them. You can request access to documents from the healthcare worker or hospital authority that is in possession of your medical records. Your request to access documents must be fully processed within seven working days following receipt. If you encounter full or partial refusal, you are entitled to be told why and to be given guidance on how to complain.

Medical records contain information including:

- Diagnosis
- Progression of the illness
- Results of examinations
- Correspondence with the GP, public authorities and possibly also with next of kin

For record entries before 1 January 2010, the right of access to documents may be limited if important considerations relating to yourself or others make this necessary.

Right to information

If, as a parent, you do not have custody, you do have the right to obtain information about your child's condition on request. You may be informed verbally or in writing, but you do not have access to documents. There may be circumstances in which you can be refused information. If this is the case, you can complain to the [State Administration](#).

Electronic medical records (My Medical Records)

Using your digital signature/NemID, you can log in at www.sundhed.dk and find your Medical Records. Your Medical Records are a compilation of all medical records about you from all Danish public hospitals and GPs, together with information such as details of

medication, laboratory test results, etc. You can read your information 14 days after it has been written up. The 14-day time-lag is to allow the doctors time to inform you about the results of examinations and treatment. Your medical records may be difficult to understand, as they are a tool for healthcare professionals. If you so wish, the staff can help explain the content to you.

At present, not all the information from your records is available to you in your Medical Records.

Interpreter

An interpreter can be used if necessary in order for you to understand the information you are given in connection with your treatment.

The staff will decide whether an interpreter is needed. The staff must provide an interpreter and must ensure that the interpreter has the necessary linguistic qualifications.

You will not have to pay for the provision of an interpreter.

How to complain

If there are matters that you are not satisfied with, in the first instance you can contact the staff or the head of the department in which you or your child are being treated, or contact [Region Midtjylland's Psychiatry and Social Management](#).

If you wish to file a complaint about the professional treatment or violation of a patient's rights, you can complain to [the](#)

Danish Agency for Patient Complaints via www.borger.dk. To file a complaint, you must fill in a form available at www.borger.dk under Sundhed og sygdom/Klage over sundhedsvæsenet/Klage over brud på patientrettigheder (“Health and illness/Complain about the health service/Complain about breach of patient rights”).

The Psychiatric Patient Legal Board deals with complaints about enforced interventions that have occurred during hospitalisation on a psychiatric ward. Enforced intervention is intervention that you have not consented to.

You can complain to the Psychiatric Patient Legal Board if you have been subjected to force during your hospitalisation on a psychiatric ward. There are no special requirements for the format of the complaint. It can be made verbally or in writing. The complaint should be submitted – possibly via your patient advisor – to the treatment unit where you are being treated. The unit is then required to ensure that your complaint is passed on to the Psychiatric Patient Legal Board.

You can also get help with submitting a complaint from **Region Midtjylland’s Patient Office**.

The Patient Office

At the Patient Office you can obtain guidance and advice about your rights as a patient. The Patient Office can also help you file a complaint if there are matters you are dissatisfied with.

The Patient Office is independent of the

Region in the specific guidance it gives you as a patient. The staff of the Patient Office have a duty of non-disclosure and will not contact hospital departments, etc., without your consent.

If something goes wrong

If mistakes have been made in connection with examining you or with your care, or if you have been exposed to a specific risk of injury, this is unintentional harm. You can write up your experience by using the www.dpsd.dk website. Here, you can enter your experience in a database of unintentional harm. Your report will be sent to the department at the hospital where it happened. The department will then investigate what they can do to prevent anything like that happening again. Please note that the department is under no obligation to reply to you.

If healthcare workers, paramedics, etc., are involved in unintentional harm, they are obliged to report this. The Danish Patient Safety Authority website has more information on how reports of unintentional harm are used to improve patient safety.

The Patient Compensation Association

All patients are covered by a public compensation scheme. The scheme covers you if you are injured in the course of your treatment.

The task of the **the Patient Compensation Association** is to ensure that patients receive the compensation they are legally entitled to. There is no charge for filing a case.

Free choice of hospitals

You have a free choice of hospitals in Denmark. However, your choice may be restricted for reasons of capacity at the recipient hospital. If you have any questions about your free choice of hospitals, please contact the Patient Office.

Right to rapid diagnosis

As a patient, you are entitled to receive a diagnosis within one month, if technically possible. If it is not possible for you to have a diagnosis within one month, you must be given a diagnosis plan. The plan must include information on the time and place of the examinations the hospital expects will be needed to further your diagnosis.

Extended right to treatment

The Danish Parliament (Folketinget) has ruled that people are entitled to rapid diagnosis and treatment.

For further information about the extended right to treatment, please visit sundhed.dk, or contact the **Patient Office**.

Travel to and from hospital

Generally speaking, you must make your own way to and from the hospital. Lack of access to public transport does not automatically entitle you to transportation and/or a travel allowance.

In special cases, you may be able to get help with your travel costs or be transported using Region Midtjylland's taxi scheme or by ambulance if your state of health makes this necessary.

You can read more about the transportation and travel allowance conditions in the brochure "Travel to and from hospital" published by Region Midtjylland. You can obtain a copy of the brochure at your place of treatment or find it online at www.psykiatrien.rm.dk.

Information for people like yourself, the parent of a child (aged 0–14) having psychiatric treatment

Contact

Your child will be assigned a contact from the department/section to which he/she is linked. We will issue a contact card with the name and telephone number of the contact. Your contact will help to provide continuity of treatment and will help you and your child to get answers to any questions.

Working with you

As far as possible, we want to work with the parents of under-age patients. If you do not have joint custody, we will as a starting point work with the person who has custody. If consent is given, we will also work with the person who does not have custody.

Right to information about your child's illness and treatment

If you have custody of your child, you are entitled to receive information about your child's state of health, illness and treatment options. You must also be given information about risks and any side-effects of the treatment and about the consequences if you do not wish your child to have treatment. You also have the right to obtain information about the outcome of the treatment.

Observer

Your child is entitled to have a relative or other person attend treatment consultations, etc. However, healthcare professionals can decide to waive this right if any significant public or private interests carry greater weight than consideration for the child.

If your request to have an observer present with your child during a consultation about treatment is rejected, you can contact the National Social Appeals Board (Ankestyrelsen), which supervises Region Midtjylland's compliance with legislation. The National Social Appeals Board is not a complaints body, and it is their decision whether to take up a case.

Treatment plan

The same rules apply to treatment plans for children and young people. Please therefore refer to the section on treatment plans for young people aged 15–18, on page 5.

Self-determination and informed consent

For children and young people under 15, the person who has parental custody is the one who can give informed consent on behalf of the child. The child must be involved as much as possible in consultations about treatment.

The requirement for information to be provided before you, the parent, give your consent is the same for children and young people alike. Therefore, please see the section on self-determination and informed consent for young people on page 5.

Duty of non-disclosure

The staff are subject to a duty of non-disclosure. As a rule, they must not pass on information about your child's health or other personal information without your consent. The duty of non-disclosure also applies in relation to relatives.

Please refer to the section on passing on and obtaining information, on page 6, as the same rules apply to children and young people alike.

Access to documents

If, as a parent, you have custody of the child, you have the right of access to documents in your child's medical records. This means that you have the right to see the medical records and possibly to obtain a copy of them.

For record entries before 1 January 2010, the right of access to documents may be limited if important considerations relating to the patient or others make this necessary.

It is not possible to view medical records of children aged under 15 at sundhed.dk as this requires a digital signature. Medical records may be difficult to understand, as they are a tool for health-care professionals. If you wish, the staff can help explain the content to you.

Medical records contain information including:

- Diagnosis
- Progression of the illness
- Results of examinations
- Correspondence with the GP, public authorities and possibly also with next of kin

Right to information

If you do not have custody, you do have the right to obtain information about your child's condition on request. You may be informed verbally or in writing, but you do not have access to documents. There may be circumstances in which you can be refused information. If this is the case, you can complain to the [the State Administration](#).

Interpreter

See page 8 of this brochure with regard to provision of an interpreter.

How to complain

If there are matters that you are not satisfied with concerning your child's

treatment, in the first instance you can contact the staff or the head of the department, or contact Region Midtjylland's [Psychiatry and Social Management](#).

See page 8 about how to complain. This applies to children and young people alike.

You can always get help with submitting a complaint from [Region Midtjylland's Patient Office](#).

The Patient Office

At [the Patient Office](#), you can obtain guidance and advice about your rights as a patient. The Patient Office can also help you file a complaint if there are matters you are dissatisfied with.

The Patient Office is independent of the Region in the specific guidance it offers. The staff of the Patient Office have a duty of non-disclosure and will not contact hospital departments, etc., without your consent.

If something goes wrong

See page 9 of this brochure about how to report unintentional harm to the [Danish Agency for Patient Complaints](#).

The Patient Compensation Association

All patients are covered by a public compensation scheme. The scheme covers your child if he/she is injured in the course of treatment.

The task of the [the Patient](#)

Compensation Association is to ensure that patients receive the compensation they are legally entitled to.

There is no charge for filing a case.

Free choice of hospitals

You have a free choice of hospitals in Denmark. However, your choice may be restricted for reasons of capacity at the recipient hospital. If you have any questions about your free choice of hospitals, please contact the Patient Office.

Right to rapid diagnosis

As a patient, your child is entitled to receive a diagnosis within one month, if technically possible. If it is not possible to have a diagnosis within one month, your child must be given a diagnosis plan. The plan must include information on the time and place of the examinations the hospital expects will be needed to further your child's diagnosis.

Extended right to treatment

Patients can generally choose to be treated at a private hospital if the waiting time at publicly-funded hospitals exceeds one month. An agreement is in place between private hospitals and Region Midtjylland concerning the treatment of patients who would otherwise probably be left waiting one month or more.

The Region has a maximum of eight working days after receiving a referral to inform the patient as to whether the Region is able to offer treatment within one month. If not, patients must be informed that they can choose a private hospital under the agreement.

For further information about the extended right to treatment, please visit sundhed.dk, or contact the Patient Office.

Travel to and from hospital

Generally speaking, you must make your own way to and from the hospital with your child.

You can read more about the transportation and travel allowance conditions in the brochure "**Travel to and from hospital**" published by Region Midtjylland. You can obtain a copy of the brochure at your child's place of treatment or find it online at www.psykiatrien.rm.dk.

Further information

www.naevneneshus.dk

You can find information about the Psychiatric Patient Legal Board here.

www.patienterstatningen.dk

The Patient Compensation Association website has information on the public compensation scheme for patients.

www.psykiatrien.rm.dk

The Regional Psychiatry website. Follow the link to patient/rights.

www.retsinformation.dk

On the website you can search all laws and regulations (executive orders, circulars, etc.) issued by the ministries and the central state authorities as well as documents from the Danish Parliament.

www.rm.dk

The Region Midtjylland website. You can find information about the Patient Office here.

www.sst.dk

The Danish Health and Medicines Authority website provides information on the duty of non-disclosure, etc.

www.stps.dk

The Danish Patient Safety Authority website.

www.stpk.dk

The Danish Agency for Patient Complaints.

www.sum.dk

The Ministry of Health website contains information on patients' rights, etc.

www.sundhed.dk

sundhed.dk is the public health service online.

You can also find other relevant information via the various associations for clients and relatives.

Books

Ellen Margrethe Basse
and Knud Kristensen

Håndbog for psykiatribrugere og pårørende, 2013. Kend dine rettigheder (“Manual for psychiatric service clients and their relatives, 2013. Know your rights”)

This book describes the rights of **users** or **relatives of users** with regard to the use of psychiatry services.

Helle Bødker Madsen
Sundhedsret, 2014 (“Health law”)

This book deals with the basic rules about the duties of the healthcare authorities and healthcare workers, and patients’ rights.

Useful addresses

**Ankestyrelsen
(The National Social Appeals Board)**

7998 Statsservice
E-Mail: ast@ast.dk

**Patienterstatningen
(The Patient Compensation Association)**

Kalvebod Brygge 45
1560 Copenhagen V
Tel.: 3312 4343
E-mail: pebl@patienterstatningen.dk

Odense
The Patient Compensation Association
Skulkenborg 2
5000 Odense C
Tel.: 3312 4343
E-mail: pebl@patienterstatningen.dk

**Patientkontoret
(The Patient Office)**

Region Midtjylland
Skottenborg 26
8800 Viborg
Tel.: 7841 0444.
Lines are open Monday 9 am – 12 noon
Tuesday, Thursday, Friday 10 am – 12 noon and Wednesday 2–3.30 pm
E-mail: patientkontoret@rm.dk

Psykiatri og socialledelsen i Region Midtjylland (Psychiatry and Social Management in Region Midtjylland)

Psykiatri og Social, Region Midtjylland
PO Box 36
Tingvej 15, 2. tv.
8800 Viborg
E-mail: psykiatrisocial@rm.dk

**Det psykiatriske Patientklagenævn
(The Psychiatric Patient Legal Board)**

Toldboden 2
8800 Viborg
Tel.: 7240 5860
E-mail: patientklage@naevneneshus.dk

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