

Information about

RIGHTS

of adult mental health patients



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DEAR PATIENT

undergoing adult psychiatric treatment

In this brochure, the psychiatric service in Region Midtjylland wishes to give you information about your rights as a patient.

We hope this brochure will give you answers to questions that may arise regarding your treatment. This brochure also explains where you can find additional information.

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

In the brochure you can also read about how to complain if any aspect of the treatment is unsatisfactory.

You can find information about the various mental illnesses on the Psychiatry website:
www.psykiatrien.rm.dk.



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.

Working with your relatives

The psychiatric service in Region Midtjylland is keen to work with your relatives in relation to your treatment. It is up to you whether your relatives may be involved in your course of treatment, and you must give your consent to this.

However, the staff can, without your consent, inform your relatives 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 of 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, etc.

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.

Treatment plans are reviewed in light of the following:

- Deviating examination results
- Any significant change in your condition
- Changes in the overall treatment strategy
- Changes in your diagnosis/ diagnoses
- Completed diagnosis

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. If and when you give your consent, the person in charge of your treatment must first give you in-depth information about your illness and your treatment. You can ask not to have this information, however. You must also be given information concerning the consequences if you do not wish to start treatment. Consent can be withdrawn at any time.

However, there are exceptions to the requirement for you to give your informed consent:

- If you are in a life-threatening situation requiring immediate treatment and cannot give your informed consent, you will be treated without consent.

You must be given information about:

- 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

- For patients who permanently lack the ability to give informed consent, the next of kin or a guardian can give informed 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. These rules apply only to individuals who are declared insane or who are in a comparable condition. Examples of enforced intervention are enforced hospitalisation, deprivation of your freedom or enforced treatment. Enforced intervention is intervention without your consent. 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, they will be assigned a patient advisor.

Patient advisor

If, during hospitalisation, you are subjected to force, a patient advisor will have to be assigned to you. The patient advisor is employed by the State Administration.

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 and advice about all matters relating to your hospitalisation, 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.

Electronic medical records (My Medical Records)

Using your digital signature/NemID, you can log in at www.sundhed.dk yourself and find your Medical Records electronically. 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.

The 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 assess whether an interpreter is needed, and make arrangements to book interpreters. 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 are being treated, or you can 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 without your consent. 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 of the health service. 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 connec-

tion 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 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

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 the 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.

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.

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”)

The book describes the rights of users or relatives of users of mental health services.

Helle Bødker Madsen
Sundhedsret [health law], 2014

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)**

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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