

Centering Romanian Healthcare System in Patient – Requirement of a European Health System

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Abstract

Currently, in Europe there is a close collaboration between the World Health Organization, the European Union and the Council of Europe with the declared aim to support the implementation of coordinated strategies for the implementation of patient rights, the concerns in this field intensifying, mainly, with the development of Amsterdam Declaration on the Promotion of Patients' Rights in Europe, adopted in 1994. To create a modern healthcare system, there is need for it to be centered on patients' needs, to have dynamic and integrated structures, adaptable to the different and ever changing health needs of the society in general and of individuals in particular and which, not least, has to recognize the role of the patient as an active partner in health policies. In this context, this article examines the national legal framework governing the rights, duties, responsibilities and penalties applied in the field of patient rights. This article aims to analyse how patients' rights in the European Union area are implemented and enforced in the national legislation and the role that patients play in the Romanian health system.

Keywords: human rights, patient rights European legislation, the modernization of the national legislation, the standardization of the legislation, the health system, health policies

1. Introduction

Social, economic, cultural, ethical and political development in Europe, as well as the concepts patients' rights are based on (dignity, self-determination, respect for the person), have led to the emergence of a movement for the establishment and compliance of patients' rights both at European and national level.

Finland was one of the first European countries which adopted a patients' rights law in 1992 [1], subsequently followed by France, which adopted in 1994 [2] a charter of

patients' rights "*Charte du malade Hospitalisé*", as an annexed part of a ministerial order. The document stipulates, from the first sentences, that "*the hospitalized patient it is not only a patient. He is first of all a person with rights and obligations*".

2. Theory

In order to apply the principles of Patients' rights in Europe (WHO, 1994, Amsterdam), in Romania was adopted Law no. 46 of 21 January 2003 [3], relating to patients' rights, which enunciates the patients' classical rights (to information, confidentiality, consent etc.), as well as the penalties and responsibilities derived from the non-implementation and noncompliance with the law. The process of elaboration of the current law was a long and democratic process, which involved the participation of several competent institutions.

However, the regulations for the application of the law were developed with a time difference of almost a year [4], and recent studies show that the implementation process is a difficult one: the law it is not fully known to the medical personnel and the patients, and most of the latter don't know the rights and obligations incumbent upon them [5].

3. Results and Discussions

Analysing the provisions of the national document which regulates patient rights, we see that, alongside the classical rights arising from the basic principles of the European document, Law no 46/2003 addresses some new domains which have not been addressed in any of the previous Romanian regulations.

By analysing the provisions of Law no. 46/2003 *we find that the **right to safety is not covered***.

Protecting and promoting health, priority objectives of the Romanian health system, cannot be achieved outside the legal aspects concerning patient safety and without the active involvement of the civil society in healthcare.

The safety of the Romanian patient relative to health services can only be solved by well informing the patients about the safety standards and measures, the remaining risks and complaint procedures and with the involvement of patient organizations in developing health policies.

Another legislative gap in this area is found with regard to the patients' right to personalized treatment. Considering that personalized medicine starts with the patient [6], as long as the Romanian healthcare system is cantered on the patient and its rights, we cannot speak about personalized treatment in the Romanian medical practice.

Another unregulated right for the Romanian patient is its right to the respect of waiting time. The health services must guarantee each patient the access to services they need in a predetermined period of time. The Romanian health service consumer

does not have this right of European patients respected, which, not being regulated, cannot be claimed by the national health system patients. If this right were to be included among the Romanian patients' rights, would also arise the **corresponding obligation of health services to repay the additional costs incurred upon the patients.**

4. CONCLUSIONS

In the *European Health Care Index 2014* [7] – the annual measurement system of the status of 36 national medical systems of Europe, published on 27 January in Brussels, Romania ranks 35 [8], with 453 points of the total of 1.000, being outranked by non-EU member states such as Serbia and Montenegro.

The results of the report on respecting European patients' rights in Romania are bleaker than those in 2011 [9]. Among the rights that have received a poor score, being rarely respected, are included the right to information (the lack of information posted on the websites of hospitals), the lack of informed consent standard forms in scientific research, information on the identity of patients was disclosed, the waiting list for selective surgery accessible to the public.

Other negative aspects that have been raised by the HCP 2014 report regard the lack of regular consultations with citizens' organizations, of partnership initiatives between health institutions and patients' organizations on the quality of medical services and the lack of interest of health units in evaluating patient satisfaction.

From the chart of the evolution of medical systems between 2006 and 2014 results that Romania has experienced a decline, from 530 points in 2006 to 453 in 2014.

By analysing the internal legal framework, correlated with the extensive case law of the Court of Justice of the European Union, we have observed that Law no. 46/2003, the national document which governs the field of patients' rights, proclaims a series of classical rights arising from the basic principles of the European Charter of Patients' Rights, but these rights are addressed only in principle, there are no special provisions in the event of noncompliance.

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