



RIGHTS AND DUTIES IN HEALTH

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Rights and Duties in Health

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Opening note

The information brochure on “Rights and Duties in Health” is part of the “Arganil + Migration” project, co-funded by the Asylum, Migration and Integration Fund (AMIF).

The right to health protection is enshrined in the Constitution of the Portuguese Republic and is based on a set of fundamental values such as human dignity, equity, ethics and solidarity.

This manual is an instrument that facilitates and promotes the integration and participation of the immigrant population, resident or newcomer (with special focus on third-country nationals), through the knowledge of their rights and duties as users, also extended to all users of the health system, whether within the health services located in the Municipality of Arganil, as well as those of specialized reference.

This is a particularly useful and advantageous instrument, which allows for a more active participation by users and reinforces a good relationship with health care providers.

Luís Paulo Costa

The President of Municipal of Arganil

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1. CHARTER OF THE RIGHTS AND DUTIES OF ACCESS TO HEALTH CARE BY THE USERS OF THE NATIONAL HEALTH SERVICE (SNS)

The right to health is enshrined in the Constitution of the Portuguese Republic and constitutes a social right of the principles of the National Health Service, present in a set of fundamental values, such as human dignity, equity, ethics and solidarity.

1.1 Rights

1.1.1 Right of Choice

The user has the right to choose health care services and providers, taking into account the rules for the organisation of existing resources and services.

1.1.2 Right to Consent or Refusal

Consent to or refusal to provide healthcare shall be given in a free and informed manner, unless specifically provided for by law; The user of health services may, at any time during the provision of health care, revoke his or her consent.

1.1.3 Right to Adequate Health Care Provision

The user is entitled to receive, promptly or within a medically acceptable period of time, as the case may be, the health care you need;

The user has the right to the most appropriate and technically correct health care;

Health care must be provided humanely and with respect for the user.

1.1.4 Right to Personal Data and Privacy Protection

The user shall have the rights to the protection of personal data and the right to privacy;

The processing of health data shall comply with the provisions of the law, ensuring that the data collected are adequate, relevant and not excessive for the purposes intended;

The user has the right to access the personal data collected and may demand the rectification of inaccurate information and the inclusion of information that is totally or partially missing, under the terms of the Law.

1.1.5 Right of Confidentiality

The user of the health services has the right to confidentiality about his/her personal data;

Health professionals shall be bound by the duty of professional confidentiality with regard to the disclosure of information of which they have knowledge in the course of their duties, except where a Law provides otherwise or a judicial decision requires its disclosure.

1.1.6. Right to Information

Healthcare professionals have the right to inform the user about their situation, possible treatment alternatives and the likely evolution of their condition;

The information should be transmitted in a clear, objective, complete and intelligible manner.

1.1.7 Right to Spiritual and Religious Assistance

The user has the right to religious assistance, regardless of his/her religion/spirituality;

Portuguese Law allows, when requested by the SNS, to ensure conditions that allow the free exercise of spiritual and religious assistance to users hospitalized in health establishments.

1.1.8. Right to Complaints and Claims

The user has the right to present complaints and claims in health establishments, under the terms of the law, as well as to receive compensation for losses suffered;

The user of the health services may submit complaints in writing in the complaints book, in the online form provided by the Health Regulator (ERS), through the link <https://www.ers.pt/>; by letter, fax or email (geral@ers.pt);

Health services, suppliers of goods or services and health operators are obliged to keep a complaints book, which can be written by anyone who requests it.

1.1.9 Right of Association

The user of health services has the right to form associations that are intended to represent and defend his or her interests;

The user may form associations that work in collaboration with the health system, namely for the promotion and defence of health or groups of friends.

1.1.10. The Rights of Minors and Disable Persons

The legal representatives of minors and disabled persons may exercise their rights, namely the right to refuse assistance, these conditions and the fulfilment of constitutional principles being provided for by Law.

1.2 Duties

1.2.1. The user must respect the rights of other users/patients and the health professionals with whom he or she has relations;

1.2.2 The user must respect the rules of organization, operation and establishment of health services;

1.2.3 The user in a situation of hospitalisation shall collaborate with health professionals;

1.2.4. The costs regarding the payment for the provision of health care, where appropriate, are the responsibility of the user.

2. GENERAL RULES FOR THE ACCOMPANIMENT OF THE USER OF HEALTH SERVICES

2.1 Right to Accompaniment

The SNS emergency services recognise and guarantee the right to be accompanied by a duly identified person, and this information must be reported when the service is hired;

A pregnant woman hospitalized in a health facility shall have the right to be accompanied by any person of her choice during all stages of labour;

Family care for minors, as well as for disabled persons, persons in a situation of dependency and persons with incurable diseases hospitalized in health care facilities shall be recognised as a right.

2.2 Accompanying Person

In situations in which the user is not able to freely choose the accompanying person, the health services should promote the right to accompaniment, requesting the degree of kinship or relationship with the user;

The hospitalized user who is not accompanied shall be the responsibility of the administration of the health establishment to ensure that the personalised care appropriate to the situation is provided to the user.

2.3 Limits to the Right to Accompaniment

It is up to the health professional to delimit, inform and explain to the accompanying person the conditions and technical requirements to obey, so as not to compromise the provision of medical care.

2.4 Right and Duties of the Accompanying Person

The accompanying person has the right to be informed adequately and in a reasonable time about the user's situation, in the different phases of care, except when expressly indicated otherwise by the user and when clinical information is reserved by health professionals.

The accompanying person has the duty to respect and comply with the instructions and indications provided by the health professional. In situations of disrespect or disobedience, the services may make it impossible for the accompanying person to remain with the user and determine his/her departure from the service.

3. ACCOMPANIMENT OF PREGNANT WOMEN DURING CHILDBIRTH

3.1 Accompaniment Conditions

The accompanying person has the right to accompany the woman in labour, regardless of whether it is occurring during the day or night.

3.2 Exercise Conditions

Accompaniment may be restrictive and inadvisable by the obstetrician, when serious clinical situations occur.

Accompaniment may not be carried out in health care units if the facilities are considered inadequate and when other pregnant women report the presence of the accompanying person as inadequate.

3.3 Cooperation between the Accompanying Person and the Services

The proper functioning of health services requires cooperation between the pregnant woman, the accompanying person and the health professionals in order to work as a team, for a better understanding of the transmission of adequate information about the course of childbirth and in relation to other clinically necessary actions.

4. ACCOMPANIMENT IN HOSPITALIZATION

4.1. Family Accompaniment of Hospitalized Children

A child aged up to the age of 18 in a hospital shall have the right to permanent supervision by his or her father and mother or by a legal representative;

A child over the age of 16 may define the accompanying person or revoke his/her presence, without prejudice to the application of Article 23 provided for by Law;

The monitoring of the child in the health services shall be free of charge and, during the hospitalization, the parents or the legal representative shall be informed of this right;

In cases where the hospitalized person has a communicable disease and contact with others constitutes a risk to public

health, it may be a major factor in the cessation or limitation of the right to accompaniment, on the written indication of the doctor responsible.

4.2. Family Accompaniment of Disabled or Dependant People

Persons with disabilities or dependents, who are incurably ill in an advanced state and persons in a final state of life, who are hospitalized in a health establishment, have the right to be accompanied by the person they have indicated, as well as to refuse or prevent their presence.

4.3 Accompanying Conditions

The permanent family accompaniment exercised during the day or night period obeys the instructions and technical rules concerning health care, as well as the rules established in the hospital regulations;

With regard to surgical operations and medical treatment of the hospitalized person, the access of the accompanying person may be restricted or denied, as this may compromise their effectiveness, except in cases where the responsible clinician grants authorisation.

4.4 Cooperation between the Accompanying Person and the Services

Healthcare professionals have a duty to provide the accompanying person with the information they consider relevant and to provide guidance, under their supervision, in cases where it is necessary to collaborate in the provision of care to the hospitalized person. The accompanying person shall comply with the instructions, in accordance with this law, provided by health professionals.

4.5 Meals

Access to meals by the accompanying person is available provided that the accompanying person is exempt from the payment of the moderating fee for health benefits within the scope of the SNS. Thus, they are entitled to a free meal if they remain in the health establishment for a period of six hours daily and whenever one of the following conditions is met:

- a) The hospitalized person is in danger of death;
- b) The hospitalized person remains in the post-operative period and up to 48 hours after the surgery;
- c) When the accompanying person is the mother and is breastfeeding the hospitalized child;
- d) The hospitalized person is isolated for medical and surgical reasons;
- e) The accompanying person resides more than 30 km from the location of the health establishment.

Applicable Legislation:

Basic Health Law

Law nº 48/90, of 24 August

Diplomas

Law no. 14/85, of 6 July - Accompaniment of Pregnant Women During Labour;

Law no. 41/2007, of 24 August - Charter of the Rights of Access to Health Care by Users of the National Health Service (SNS);

Law no. 33/2009, of 14 July - Right to Accompanying of Users of Emergency Services of the National Health Service (SNS);

Law no. 106/2009, of 14 September - Family Accompanying in Hospitalization.

5. HEALTH IN PORTUGAL

5.1 Access to the National Health Service

In accordance with the legislation in force, any immigrant has the right, if he or she feels ill or needs any kind of health care, to be assisted in a Health Centre or Reference Hospital, and it is not possible to refuse or limit his or her access, based on reasons linked to nationality, racial or ethnic origin, legalisation, ancestry or territory of origin.

The National Health Service (SNS) consists of a network of institutions and services providing global health care to the entire population, through which the State and, in particular, the Ministry of Health safeguards the right to health protection.

Portuguese legislation in force stipulates that health care provided by the SNS is universal and tends to be free of charge, with only a monetary amount (moderator fee, TM) being requested for each appointment or health care provided. However, given the economic and social conditions of the users, there are several situations that provide for the exemption from the payment of the TM, such as, for example, in the case of pregnant women, pregnant women and users of family planning appointment, children up to the age of 18, unemployed people registered at the Employment Centre, people with some chronic diseases or chronic mental illness, among other situations specified by Law.

The Portuguese State reimburses the price of medicines (according to the different scales) and allows the reimbursement of costs with certain equipment (purchase of prostheses, glasses, frames, lenses and orthopaedic footwear) through proof of these expenses, within 180 days, on the day of payment and if accompanied by a credential written by the Family Doctor

of the Health Centre.

5.2 Health Services in the Municipality of Arganil

The Health Centre is a basic unit of the SNS and the provision of primary health care to citizens resident in the Municipality of Arganil is ensured by the Group of Health Centres of the Northern Interior Pine Forest (ACES PIN), which brings together the Health Service of the Public Network, namely the Arganil Health Centre (CSA).

In accordance with Ordinance No. 153/2017 of 4 May, which enacts the maximum guaranteed response times (GMT) in the National Health Service (SNS) for all types of health services. The GMT, at the Arganil Health Centre, includes:

- Obligation to care on the same day if related to acute illness, or within 15 working days, for another reason, after screening the health professional;
- Requests for medication in case of chronic illness, reports and other documents within 72 hours;
- Home visits: 24 hours, if accepted by the health professional.

In the CSA the citizen has at his/her disposal, various services of care and provision of health care, from:

- Appointment of General Practice/Family Medicine;
- Maternal Health/Family Planning Appointment;
- Child and Youth Health Appointment;
- Appointment for the Elderly;
- Oral Health Promotion Appointment;
- Diabetes Appointment;

- Public Health Service (Health Delegate);
- Community Mental Health Unit of Arganil - Pinhal Interior North;
- Nursing Care;
- Social Service;
- Vaccination;
- Auxiliary Diagnostic Examinations;
- Appointments and Home Support;
- Basic Emergency Service.

The Arganil Health Centre has a Personalised Health Care Unit (UCSP), which integrates five care centres distributed by the municipality to provide personalised care, ensuring accessibility, continuity and overall assistance to citizens:

- Pombeiro da Beira;
- S. Martinho da Cortiça;
- Côja;
- Pomares;
- Piódão

The National Network of Integrated Continuous Care (RNCCI) aims to provide adequate health care and social support to all people, regardless of their age, who are in a situation of dependency, episode of acute illness or worsening of chronic disease. The Health Services of the Solidarity Network of the Municipality of Arganil, which is part of RNCCI, have as a response to the user a network of Integrated Continuous Care Units:

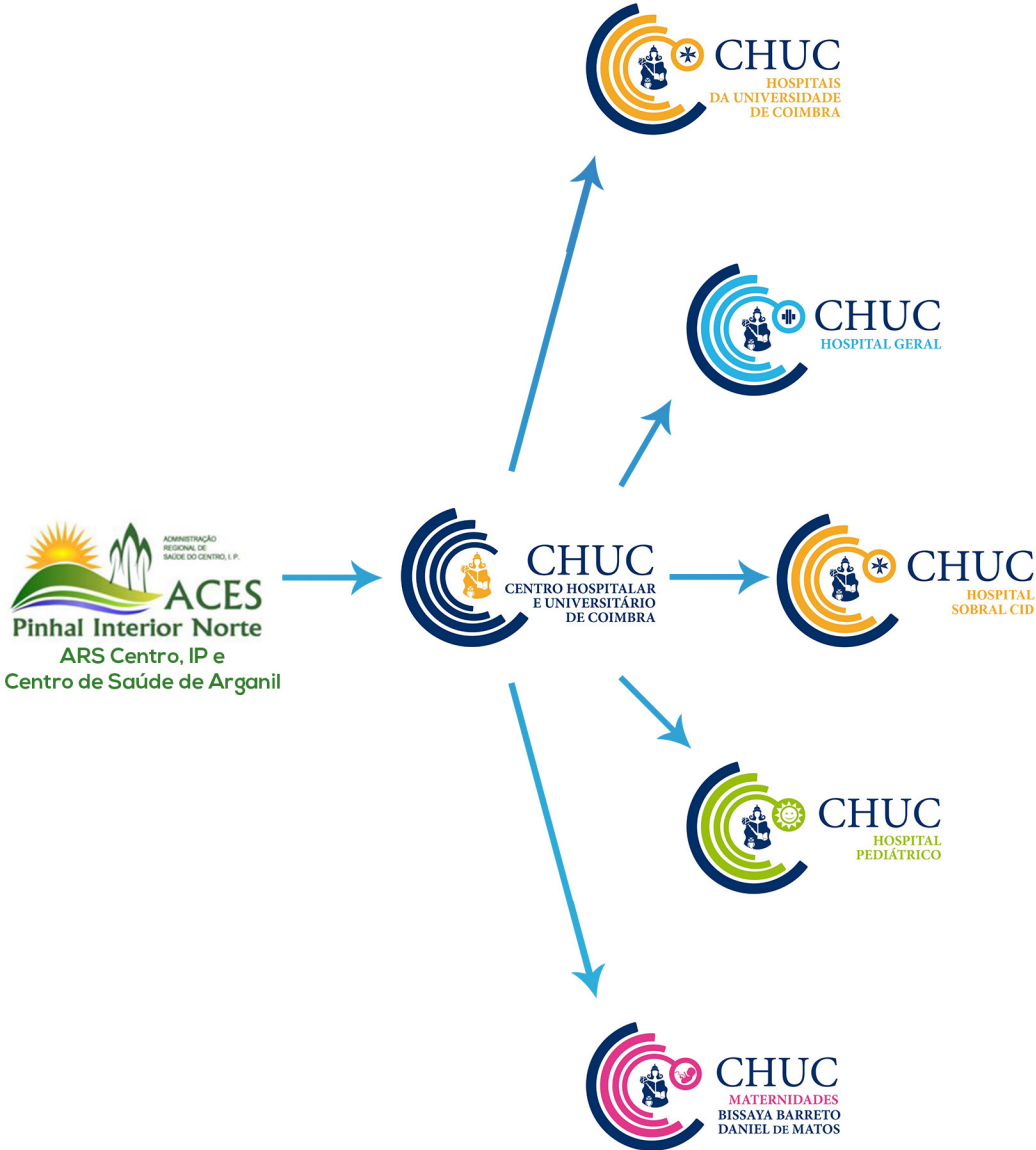
- Continuous Care Unit - Medium Duration and Rehabilitation of Santa Casa da Misericórdia of Arganil;
- Continuous Care Unit - Long Duration and Maintenance of the Santa Casa da Misericórdia of Arganil;
- Physical Medicine and Rehabilitation Unit of the Santa Casa da Misericórdia of Arganil.

5.3 Coimbra District Reference Services

The reference services result from the integration of several units that directly articulate with the Hospital and University Centre of Coimbra (CHUC), namely the Health Services of the Public Network of the Municipality of Arganil. In the Reference Services, specialty appointments of the National Health Service (SNS) are carried out, which, as a general rule, are requested by the Family Physician. Referrals to the Reference Services are made in accordance with the assessment, monitoring and diagnosis carried out in the context of a appointment by the Family Doctor at the Health Centre of the reference area, and may be forwarded to the following health entities:

- Hospital and University Centre of Coimbra;
- General Hospital;
- Sobral Cid Hospital;
- Bissaya Barreto Maternity;
- Dr Daniel de Matos Maternity;
- Paediatric Hospital of Coimbra.

Hospital Reference Center



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