

Code of Health and Disability Services Consumers' Rights



1 Consumers have Rights and Providers have Duties:

- (1) Every consumer has the rights in this Code.
- (2) Every provider is subject to the duties in this Code.
- (3) Every provider must take action to —
 - (a) inform consumers of their rights; and
 - (b) enable consumers to exercise their rights.

2 Rights of Consumers and Duties of Providers:

The rights of consumers and the duties of providers under this Code are as follows:

Right 1

Right to be Treated with Respect

- (1) Every consumer has the right to be treated with respect.
- (2) Every consumer has the right to have his or her privacy respected.
- (3) Every consumer has the right to be provided with services that take into account the needs, values, and beliefs of different cultural, religious, social, and ethnic groups, including the needs, values, and beliefs of Maori.

Right 2

Right to Freedom from Discrimination, Coercion, Harassment, and Exploitation

Every consumer has the right to be free from discrimination, coercion, harassment, and sexual, financial or other exploitation.

Right 3

Right to Dignity and Independence

Every consumer has the right to have services provided in a manner that respects the dignity and independence of the individual.

Right 4

Right to Services of an Appropriate Standard

- (1) Every consumer has the right to have services provided with reasonable care and skill.
- (2) Every consumer has the right to have services provided that comply with legal, professional, ethical, and other relevant standards.
- (3) Every consumer has the right to have services provided in a manner consistent with his or her needs.
- (4) Every consumer has the right to have services provided in a manner that minimises the potential harm to, and optimises the quality of life of, that consumer.
- (5) Every consumer has the right to co-operation among providers to ensure quality and continuity of services.

Right 5

Right to Effective Communication

- (1) Every consumer has the right to effective communication in a form, language, and manner that enables the consumer to understand the information provided. Where necessary and reasonably practicable, this includes the right to a competent interpreter.
- (2) Every consumer has the right to an environment that enables both consumer and provider to communicate openly, honestly, and effectively.

Right 6

Right to be Fully Informed

- (1) Every consumer has the right to the information that a reasonable consumer, in that consumer's circumstances, would expect to receive, including —
 - (a) an explanation of his or her condition; and
 - (b) an explanation of the options available, including an assessment of the expected risks, side effects, benefits, and costs of each option; and

Right 7

Right to Make an Informed Choice and Give Informed Consent

- (1) Services may be provided to a consumer only if that consumer makes an informed choice and gives informed consent, except where any enactment, or the common law, or any other provision of this Code provides otherwise.
- (2) Every consumer must be presumed competent to make an informed choice and give informed consent, unless there are reasonable grounds for believing that the consumer is not competent.
- (3) Where a consumer has diminished competence, that consumer retains the right to make informed choices and give informed consent, to the extent appropriate to his or her level of competence.
- (4) Where a consumer is not competent to make an informed choice and give informed consent, and no person entitled to consent on behalf of the consumer is available, the provider may provide services where —
 - (a) it is in the best interests of the consumer; and
 - (b) reasonable steps have been taken to ascertain the views of the consumer; and
 - (c) either, —
 - (i) if the consumer's views have been ascertained, and having regard to those views, the provider believes, on reasonable grounds, that the provision of the services is consistent with the informed choice the consumer would make if he or she were competent; or
 - (ii) if the consumer's views have not been ascertained, the provider takes into account the views of other suitable persons who are interested in the welfare of the consumer and available to advise the provider.
- (5) Every consumer may use an advance directive in accordance with the common law.

- (6) Where informed consent to a health care procedure is required, it must be in writing if —
 - (a) the consumer is to participate in any research; or
 - (b) the procedure is experimental; or
 - (c) the consumer will be under general anaesthetic; or
 - (d) there is a significant risk of adverse effects on the consumer.
- (7) Every consumer has the right to refuse services and to withdraw consent to services.
- (8) Every consumer has the right to express a preference as to who will provide services and have that preference met where practicable.
- (9) Every consumer has the right to make a decision about the return or disposal of any body parts or bodily substances removed or obtained in the course of a health care procedure.
- (10) No body part or bodily substance removed or obtained in the course of a health care procedure may be stored, preserved, or used otherwise than —
 - (a) with the informed consent of the consumer; or
 - (b) for the purposes of research that has received the approval of an ethics committee; or
 - (c) for the purposes of 1 or more of the following activities, being activities that are each undertaken to assure or improve the quality of services:
 - (i) a professionally recognised quality assurance programme;
 - (ii) an external audit of services;
 - (iii) an external evaluation of services.

- (c) advice of the estimated time within which the services will be provided; and
- (d) notification of any proposed participation in teaching or research, including whether the research requires and has received ethical approval; and
- (e) any other information required by legal, professional, ethical, and other relevant standards; and
- (f) the results of tests; and
- (g) the results of procedures.
- (2) Before making a choice or giving consent, every consumer has the right to the information that a reasonable consumer, in that consumer's circumstances, needs to make an informed choice or give informed consent.
- (3) Every consumer has the right to honest and accurate answers to questions relating to services, including questions about —
 - (a) the identity and qualifications of the provider; and
 - (b) the recommendation of the provider; and
 - (c) how to obtain an opinion from another provider; and
 - (d) the results of research.
- (4) Every consumer has the right to receive, on request, a written summary of information provided.