

BANO 2021

Dolce – La Hulpe – December 3

Patient's Rights : a few Highlights

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Useful (unknown ?) rules

Art. 12 of Patient's Rights Act (PRA) : **patients < 18**

- If minor “considered capable of reasonably appreciating his interests” => ok to make his own healthcare decisions
- If minor not “considered capable of reasonably appreciating his interests” => legal representatives make healthcare decisions on behalf of the patient, who is “associated”

➔ “medical majority” in the Belgian PRA, as it is not a matter of age but of cognitive abilities, that are to be assessed by health practitioners, in context

Useful (unknown ?) rules

Art. 14 of Patient's Rights Act (PRA) : **patients > 18**

- Adults are presumed capables of making healthcare decisions
- A finding of incapacity should only be the result of a formal assessement
- If an adult is considered as incapable, art. 14 provides a list of representatives, in order of priority

Useful (unknown ?) rules

Art. 14 of Patient's Rights Act (PRA) : **patients > 18**

- If an adult is considered as incapable, art. 14 provides a list of representatives, in order of priority :
 - ✓ mandatary appointed in advance by the patient himself
 - ✓ administrator appointed by the Justice of Peace
 - ✓ cohabiting partner
 - ✓ adult child
 - ✓ parent (father or mother)
 - ✓ adult brother or sister

If nobody turns up or if there's a conflict between representatives of equal power, it is up to the health practitioner to look after the interests of the patient

Useful (unknown ?) rules

Art. 14 of Patient's Rights Act (PRA) : **patients > 18**

➡ Two important things :

- When an adult patient is considered as incapable, he must nevertheless be associated to healthcare decisions, given his state of health and ability to deal with information

- Representative ≠ “trusted person”



Person empowered to
make decisions on behalf
of the patient



Support person : share information,
help the patient to reach a decision

Practical situations as food for thought

1. The patient comes in with his wife and daughter.

Issues :

- Roles of relatives
- Relationship problems with relatives

Practical situations as food for thought

2. The medical consultation with the patient does not reveal anything in particular, but afterwards relatives call and say the patient is giving away his money or has aggressive behavior.

Issues :

- Treatment of information coming from relatives, without the patient's knowledge
- Role of health practitioners

Practical situations as food for thought

3. An end-of-life and confused patient is living at home. His wife is exhausted and ask for the execution of the advance euthanasia declaration.

Issues :

- Euthanasia on the basis of an advance declaration
- Role of health practitioners

Take home messages

Law is a tool : it can help to disentangle situations...

... When used in a relevant way :

- By someone who has read the manual
 - Get information about crucial legal rules
- When it is really necessary to use it
 - Rely on legal argument as a last resort
- With a clear record of the way it was used
 - Document properly your reflective path


Thank you!


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Bonus : how to find an *up-to-date* legal text ?


Go to <https://www.ejustice.just.fgov.be/loi/loi.htm>

Accueil Nouvelle Recherche Modifications récentes

Recherche  Liste trier sur


Nature juridique 

Numéro :

Date promulgation  **de** - - **à** - -

Date publication M.B. **de** - - **à** - -

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Mot(s) 

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Nouvelle Recherche

Modifications récentes

Contenu et délai de consolidation

22 AOÛT 2002. - Loi relative aux droits du patient.

Publié le : 26-09-2002

Source : AFFAIRES SOCIALES _ SANTE PUBLIQUE ET ENVIRONNEMENT

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Détail

Bonus : how to find an *up-to-date* legal text ?

22 AOÛT 2002. - Loi relative aux droits du patient.

(NOTE : Consultation des versions antérieures à partir du 26-09-2002 et mise à jour au **31-12-2018**)

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
Modifications récentes

Contenu et délai de consolidation

28 MAI 2002. - Loi relative à l'euthanasie.

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Détail

Bonus : how to find an *up-to-date* legal text ?

28 MAI 2002. - Loi relative à l'euthanasie.

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