

# Patient's Rights Law 1996 (Partial)

## Chapter One: Purpose

### Purpose of the Law

1. The purpose of this law is to protect the rights of any person seeking medical treatment or receiving such treatment, and to protect his honor and his privacy.

## Chapter Two: Definitions

### Definitions

2. In this Law -

"Hospital" - as defined in Section 24 of the Public Health Ordinance 1940;

"Ethics Committee" - a committee formed under Section 24;

"Emergency Room" - a place intended for providing emergency medical treatment manned by at least one doctor, and that the General Manager has acknowledged as an Emergency Room for the purpose of this law;

"Medical Treatment" includes medical diagnosis preventive treatment, psychological treatment and nursing;

"Medical Facility" - Hospital or Infirmary;

"Patient" - Any sick person or anyone seeking or receiving medical treatment;

"Treatment Provider" - Doctor, Dentist, Intern, Nurse, Midwife, Psychologist, and any other professional acknowledged by the General Director, in a given notice in the Official Gazette, as a practitioner in medical services;

"Medical Information" - Information relating directly to a medical condition

whether physical or mental of a patient, and to his treatment;

"Midwife" - any women authorized to assist in childbirth according to the Midwives Ordinance;

"General Director" - The General Director of the Ministry of Health;

"Manager of a Medical Facility" includes any person who temporarily replaces the manager;

"Medical Emergency" circumstances in which there is imminent danger to a person's life or where there is imminent danger of a permanent serious disability to a person, unless urgent medical treatment is given to him;

"Infirmary" - as defined in Section 34 of the Public Health Ordinance - 1940, in which medical treatment is given by at least five treatment providers;

"Intern" - as defined in Chapter B1 to the Doctors Ordinance (New Version) - 1976;

"Grave Danger" - Circumstances in which a person is under life threatening danger or where there is imminent danger of a permanent serious disability to a person, unless urgent medical treatment is given to him;

"Social Worker" - As defined in the Social Workers Law 1996;

"Psychologist" - Any person listed in the Psychologists Registry according to the Psychologists Law 1977;

"Sick Fund" - As defined in the National Health Law 1994;

"Doctor" - Any person licensed to practice medicine according to the Doctors Ordinance (New Version) 1976;

"Dentist" - Any person licensed to practice dentistry according to the Dentists Ordinance (New Version) 1979;

"Medical Record" - Information which according to Section 17 is kept by way of a photograph or document, or in any other form, including a patient's medical file which holds medical documents regarding his condition;

"The Minister" - The Minister of Health.

## Chapter Three: The Right to Medical Treatment

### The Right to Medical Treatment

3. (a) Any person requiring medical treatment is entitled to receive same according to any Law and under the conditions and common practices, as they are from time to time, in the Israeli health system.
- (b) In an emergency situation any person is entitled to receive emergency medical attention.

### Prohibiting Discrimination

4. A treatment provider or a medical facility will not discriminate between patients on grounds of religion, race, gender, nationality, place of birth or any other differentiation of such nature.

### Proper Medical Treatment

5. A patient is entitled to receive proper medical treatment – both on a professional and medical standards level, and on the human relations level.

### Information Regarding the Identity of the Treatment Provider

6. (a) A patient is entitled to information regarding the identity and the position of every treatment provider attending him.
- (b) The General Director will set instructions regarding the ways of identifying a treatment provider and a worker of a medical facility.

### Right to Second Opinion

7. A patient is entitled to have, should he request, a second opinion regarding his treatment; The treatment provider and the medical facility will assist the patient in all that required by him in order that he fulfills this right.

#### Ensuring Continuation of Proper Treatment

8. Should a patient transfer from one treatment provider to another or from one medical facility to another, the patient is entitled, should he request, to have cooperation between treatment providers and medical facilities regarding his medical treatment, in order to ensure continuation of proper treatment.

#### Receiving Visitors

9. A patient hospitalized in a medical facility is entitled to receive visitors at the times and according to the arrangements set by the manager of the medical facility.

#### Safeguarding the Dignity and Privacy of a Patient

10. (a) A treatment provider, and any person working under the supervision of a treatment provider and any other worker of a medical facility, will safeguard the dignity and privacy of a patient, all through of the medical treatment.

(b) The manager of a medical facility will instruct as to the safeguarding of the dignity and privacy of the patient receiving treatment from the medical facility

#### Medical Treatment in a Medical Emergency or Situation of Grave Danger

11. (a) In circumstances which appear to be a situation of medical emergency or situation of grave danger, and the treatment provider or a medical facility

has been requested to give treatment to a person, the treatment provider will examine that person, and treat him to the full extent of his ability.

(b) If a treatment provider or a medical facility is not capable of attending to the patient, the medical facility will refer the patient, to the best of its ability, to a facility in which the patient may receive the appropriate medical treatment.

(c) The manager of a medical facility will set arrangements to fulfill this Section.

#### Medical Examination in an Emergency Room

12. (a) A patient requesting medical treatment from an emergency room is entitled to be medically examined by a doctor.

(b) Should the examining doctor decide that a patient requires immediate medical treatment, he will render such treatment; However, if it is not possible to render such treatment in the emergency room, the doctor will refer the patient to an appropriate facility, and will ensure, to the best of his ability, the transfer of the patient to the appropriate facility.

(c) The manager of a medical facility which has an emergency room will set procedures for the fulfillment of this Section.

### **Chapter Four: The Informed Consent to Medical Treatment**

#### The Right to Medical Treatment

13. (a) Medical treatment will not be given to a patient without the patient's informed consent, according to this Chapter.

(b) In order to receive the informed consent of a patient, the treatment provider will provide the patient with all the medical information, that is reasonably required by him, to enable him to decide whether to agree to the proposed medical treatment; for the purpose of this Section – Medical Information includes:

- (1) The diagnosis and the prognosis of the patient's medical condition;
  - (2) A description of the essence, the procedure, the purpose, the expected benefits and the risks of a proposed treatment;
  - (3) The risks involved in a proposed treatment, including the side effects, pain and inconveniences;
  - (4) Chances and risks of alternative medical treatments or of not giving any treatment;
  - (5) The fact that a treatment is innovative.
- (c) The treatment provider will inform the patient of the medical information as soon as possible, and in a manner, which will enable the patient to understand the information, as far as possible, in order to reach an informed and independent decision.
- (d) Notwithstanding the provisions of Subsection (b), a treatment provider may avoid giving certain medical information to a patient regarding his medical condition, if the Ethics Committee has approved that giving such information to a patient may cause severe damage to the physical or mental health of the patient.

#### Methods of Receiving Informed Consent

14. (a) Informed consent may be given in writing, verbally or by behavior of the patient.
- (b) Informed consent to any medical treatment listed in the Addendum, will be given in a written document which will list a summary of the explanation given to the patient.
- (c) If a patient requires a treatment listed in the Addendum, and is unable to give a written informed consent, the consent may be given in front of two witnesses, provided the consent and the testimonies were recorded in writing shortly after the consent was given.
- (d) In a medical emergency, a consent to a treatment listed in the Addendum may be given verbally, provided the consent will be recorded in writing shortly after it was given.

#### Treatment without Consent

15. Notwithstanding the provisions of Section 13 -

(1) A treatment provider may render medical treatment not listed in the Addendum, without the informed consent of a patient, provided that:

(a) The physical or mental condition of the patient renders receiving the patient's informed consent impossible; and,

(b) The treatment provider has no knowledge of any objection of the patient or his guardian to giving the patient such treatment; and,

(c) It is not possible to receive the consent of a representative, if one has been empowered according to the provisions of Section 16, or if it is not possible to receive the consent of a guardian of the patient is a minor or unfit.

(2) In circumstances in which grave danger is threatening a patient, and he opposes medical treatment that must be rendered as soon as possible (according to the circumstances of the danger), a treatment provider may render such treatment without the patient's consent of the Ethic Committee, after hearing the patient, approved rendering such treatment, provided the committee is convinced that all the following took place:

1. All the required information was given to the patient that he may give his informed consent; and,
2. The medical treatment is expected to improve the patient's condition drastically; and,
3. It is reasonable to assume that following the rendering of the treatment, the patient will give his consent retroactively.

(3) In circumstances of medical emergency, a treatment provider may render emergency medical treatment to a patient even without his informed consent, provided that, as a result of the medical emergency, having taken in account the patient's physical or mental condition, it is not possible to receive the patient's informed consent; Medical treatment listed in the Addendum will be rendered if three doctors gave their consent, unless the emergency circumstances do not enable receiving same.

#### Authorising a Representative of a Patient

16. (a) A patient may empower a representative on his behalf who is authorised to give consent on behalf of the patient; The authorisation paper will list the circumstances and conditions in which the representative is authorised to give consent to medical treatment on behalf of the patient.

(b) The Minister may set instructions as to the manner of giving authorisation under this Section.

## Chapter Five: Medical Documentation and Medical Information

### The Obligation to Document Medical Information

17. (a) A treatment provider will document the medical treatment in the medical documentation; The medical documentation will include, inter alia, identification of the patient and the treatment provider, as well as medical information regarding the medical treatment the patient received, the previous medical history as was detailed by the patient to the treatment provider, the diagnosis of medical condition for which treatment was given, and the instructions given for the treatment; The private notes of the treatment provider is not part of the medical documentation.

(b) The treatment provider, and in a medical facility – the manager of the facility, are responsible for the day to day updated management of the medical documentation and its safekeeping as required by any other statute.

(c) The giving of a medical documentation to the patient for safekeeping will be recorded by the treatment provider or the medical facility.

### Right of the Patient for Medical Information

18. (a) A patient is entitled to receive and copy from the treatment provider or the medical facility any information in the medical documentation, relating to the patient.

(b) A member of the medical treatment team may give the patient medical information only in his line of expertise, and in coordination with the team's leader.

### Confidentiality

19. (a) A treatment provider or an employee of a medical facility, will keep the confidentiality of all information regarding a patient received while performing their duty or work.



(b) A treatment provider, and in a medical facility – the general manager of the medical facility – will take all necessary steps to ensure that employees in his employ will keep the confidentiality of all matters brought to their knowledge while performing their duty or work.

#### Giving Medical Information to Another

20. (a) A treatment provider or a medical facility is entitled to give medical information to another person in each of the following instances:

- (1) The patient gave his agreement for giving the medical information;
  - (2) The treatment provider or the medical facility is obliged by statute to give the medical information;
  - (3) The information is given to another treatment provider, for the purpose of giving treatment to the patient.
  - (4) The patient did not receive the medical information according to Section 18 (c) and the Ethics Committee has authorised giving same to another;
  - (5) The Ethics Committee has determined, having given the patient a chance to express his objection, that giving the medical information about the patient is vital for the protection of the health of another or the public, and that the need to give the information to another is greater than the right of the patient not to give the information;
  - (6) The medical information is given to a medical facility treating the patient or to an employee of such facility, for the purpose of processing the information, filing it, or reporting it as required by a statute.
  - (7) The medical information is given for the purpose of a publication in a medical journal, for research or academical purposes or in accordance with the Ministers instructions – provided no details revealing the identity of the patient are given.
- (b) In giving information under Subsection (a) only the minimal information that is needed under the circumstances will be give, and having taken the utmost care not to expose the identity of the patient.
- (c) The provisions of Section 19 and this Section will apply to any person receiving information under Subsection (a), mutatis mutandum.



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Addendum

(Sections 14, 15)

1. Surgeries, excluding minimal invasive surgery.
2. Vascular Catheterizations.
3. Dialysis.
4. Radiotherapy.
5. I. V. F.
6. Chemotherapy for Cancer Treatments.

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