

Submission from Hungary

General Patients' Rights

Act 154 of 1997 on Health defines the rights for every patient. According to its provisions, every patient shall have the right to receive, in an emergency, life-saving care, care to prevent serious or permanent impairment to health, as well as to have his/her pain mitigated and his/her suffering relieved (Article 6). Every patient shall have the right, within the framework provided for by law, to appropriate and continuously accessible health care justified by his/her health condition, without any discrimination (Article 7)

The patient shall have the right to choose a physician of the level justified by his condition, with the agreement of both the health care provider and his/her chosen medical doctor, and, unless a legal rule sets forth an exception, the physician so chosen, provided it is not precluded by the professional contents of the health service justified by his/her condition, by the urgency of care or the legal relationship serving as the basis for the use of the service (Article 8)

In the course of health care provisions, the patient's human dignity shall be respected (Article 10). The patient shall have the right to be fully informed at an individualized way. The patient shall have the right to receive detailed information about his/her health condition as well as about proposed examinations, interventions, risks, possible alternative procedures and methods.

The patient shall have the right to self-determination, which may exclusively be restricted in the cases and in the ways defined by law. Within the framework of exercising the right of self-determination, the patient is free to decide whether he/she wishes to use health care services, and which procedures to consent to or to refuse in the course of applying such services (Article 15). The patient shall have the right to become acquainted with the data contained in his/her medical record, and shall have the right to request information on his/her health care data (Article 25).

2. Patients' rights in connection with prenatal care and the health of expectant mothers

According to the Act on Health it is a governmental task, within the framework of the protection service for family and women, to create the rules for their treatment, ensure healthy growth of embryo and fetus, prevent complications and deal with high-risk pregnancies, duly recognizing risks and preparing women for delivery, breast feeding and infant care.

According to Act 79 of 1992 on embryonic life protection (ELP), the zygote comes into being on the combining of the male and female gametes, and then the male or female embryo grows in the womb, the woman expecting the child having the right to receive support and protection. Education is provided in elementary and secondary schools on the value of health and human life, healthy lifestyle, responsible partnership, family life with human dignity, and the appropriate methods of birth control.

The governmental family protection service or the family protection service licensed by the administrative health authority conduct consultation by giving advice on dealing with crises and organizing the dissemination of family planning information, in addition to the information provided in educational institutions.

In accordance with the ELP, free-of-charge prenatal care is available as follows:

- a, for Hungarian citizens who are resident in the Republic of Hungary
- b, according to the law, for people having right of entry and stay for longer than 3 months and have a place of residence
- c, citizens of from the third countries who have entered Hungary and have been granted residence

In the course of prenatal care of expectant mothers, monitoring fetal development and protecting the health of expectant mothers in order to ensure growth of a healthy fetus, women are informed about healthy diet and avoiding the behavior harmful to the embryo or fetus (i.e. smoking, alcohol abuse, etc.) and screenings to be provided to confirm healthy growth of the embryo/fetus and to protect the health of expectant women. Abortion can be performed only in case of very high-risk pregnancy or serious health crises of pregnant women under certain conditions determined by the ELP.

Detailed rules of prenatal care in the framework of compulsory and governmental free care are determined by the decree of 1992/33 of the Ministry of Welfare. According to this decree prenatal care is a complex health care service involving the cooperation of gynecologist, family physician, nurse and the pregnant woman. In the course of prenatal care of expectant mothers the gynecologist can be chosen independently. The prenatal care is provided completed by the gynecologist in the clinic with suitable equipment or by special service. In the course of prenatal care, expectant mothers should be examined at least once during the first and the second semesters and at least twice during the third. High risk pregnancy and complicated cases need special attention. Unscheduled examinations or therapy have to be provided in the course of prenatal care depending on the opinion of the gynecologist according to considering the risk and the nature of the complication, or urgent hospitalization without referral or sending to hospital or pregnancy pathology or acceptance without referral in urgent cases. In such cases the expectant mother has to be directed or delivered to a gynecology department where a well equipped prenatal intensive centre, neonatology department or a division for premature babies is available.

Nurses in the region are also involved in the care of prenatal women and their task is also includes the care of expectant women, protection of women, including the birth control, helping the preparation for maternity, giving assistance and advice during the period of confinement with regard to health status, lifestyle, breast feeding and family planning.