

# Rights and responsibilities

You will soon be coming to Rivas Zorggroep for an examination, treatment, or stay. As a patient or client at Rivas, you have various rights and responsibilities. If you have any questions about your rights and responsibilities, please feel free to ask our employees for more information.

This folder contains an overview of your most important rights and responsibilities with regard to health care:

- the right to freely choose your caregiver and ask for a second opinion;
- the right to confidentiality, privacy, and seeing your medical record;
- the right to information;
- the right to give or not give permission for a treatment;
- the responsibilities of the patient;
- compulsory admission and treatment.;
- the right to complain.

## The right to freely choose your caregiver and ask for a second opinion

Trust in your doctor is the basis for successful treatment. That is why you in principle have the right to choose your own caregiver. This also means that you have the right to change caregivers if you wish.

### Second opinion

The right to a second opinion is the right to ask an expert other than your treating doctor about your condition. At your request, this other expert will give an opinion, but will usually not take over your treatment.

Patients and their family have the right to ask for a second opinion to support their decision-making process in the treatment agreement. If a patient or his/her legal representative wishes to receive a second opinion, this wish will be granted. Rivas will give patients and their representatives information about the possibility of a second opinion.

You can ask your treating doctor, your GP, a patient organization or your health insurance company for information about another expert.

### When to ask for a second opinion?

You can ask for a second opinion about any treatment. For example, if you want more certainty about the diagnosis, because you want to know whether a different treatment is possible, or because you first want another doctor's opinion about the proposed treatment.

### Does your health insurance company pay for a second opinion?

Your health insurance company will not always pay for a second opinion. The amount paid depends upon the type of health insurance that you have taken out. With most health insurance companies, the cost of a second opinion is included in the basic health insurance package. However, some budget insurance policies cover the cost of a second opinion only if you have been referred by the specialist and not by the GP.

If a different healthcare provider gives the second opinion, the coverage of the cost of the second



opinion also depends on the agreements between that healthcare provider and your healthcare insurance company.

If the cost of a second opinion is not covered by your healthcare insurance company, you will have to pay for it yourself. Before making an appointment for a second opinion, ask your healthcare insurance provider if the cost of a second opinion is covered. This can prevent unpleasant surprises afterwards.

## **The right to confidentiality, privacy, and seeing your medical record**

Rivas Zorggroep considers your privacy to be very important and does everything it can to protect it. Rivas processes your personal information, including medical data, in accordance with the General Data Protection Regulation (AVG), the Medical Treatment Contracts Act (Wgbo), the Psychiatric Hospitals (Compulsory Admissions) Act (Bopz), the Public Health Care Act (WPG), and the Social Support Act (WMO).

In order to provide you with the best possible services, Rivas stores a variety of data about you, for example in the Rivas Electronic Patient Record. As a client of Rivas, you have the right to protection of these personal data. Here you can read more about your right to privacy and the right to see your data and how Rivas deals with this.

### **Your data and Rivas**

Your caregivers store your data in a record, for example if you receive treatment in the Beatrix Hospital, if you move to an assisted living center or nursing home, or if you receive home care services or youth healthcare services. This record contains text documents, such as referral letters and results of examinations, but also x-rays for example. This collection of data describes the course of the treatment, care, and services that you have received.

Various caregivers store patient data, including medical specialists, nurses, and paramedics such as physical therapists. Data in such a record must be stored for at least 15 years. After this period, the caregiver destroys the data unless there are reasons to continue storing it.

Your caregiver must treat the data in confidence. Your data may also not be given to others, including your partner, family or friends, without your permission. You also have the right to privacy when going through examinations and treatments. If others wish to be present during your examination or treatment, you must give permission.

In very critical or emergency situations, for example if you are brought to the Emergency Room unconscious and cannot communicate with the caregivers, we are allowed to look at your data without your explicit permission.

### **Who is allowed to see your data?**

Inside and outside Rivas, data about you are provided to the following persons, departments, or institutions when necessary:

- Caregivers involved directly in caring for the patient;
- Admissions Office;
- ZorgControl (Care Control);



- Financial administration;
- Healthcare insurers.

Your data may not be given to others, including your partner, family or friends, without your permission.

Rivas can share your data with third parties for scientific and statistical purposes as long as the data have been made 'anonymous', which means that it is no longer possible to determine the identity of the person associated with the data.

### **Privacy Regulations**

Rivas deals with your data very carefully. The rules for this are set out in the Privacy Regulations, which you can view at [www.rivas.nl](http://www.rivas.nl).

### **our right to see your data**

Your right to see the data in your record or copies of them are set out in the Privacy Regulations. You can have various reasons for wanting to see your record. You have the right to see your record, and you can make an appointment with the person treating you to look at the record. You have the right to take (copies of) your record with you. If you wish to receive, simply fill out the application form that you can find online on the Rivas website or just ask the person treating you.

You can see all the information in your record that concerns you personally. However, you are not allowed to see personal working comments from the caregiver or data that concerns somebody else. If your record includes information about other persons, such as family members, caregivers are not allowed to give you this information just like that. The sections with information about other persons are then covered over or removed from the record.

### **Who has the right to see a record and ask for it?**

The only persons who are allowed to see your record are yourself, the person treating you, and other caregivers involved in your treatment. So your partner or other family members are not allowed to see your record unless you give explicit permission to do so. You can do this by authorizing somebody in writing to see your record. There are a number of situations in which somebody else is allowed to see your record. For example, if somebody acts on behalf of the patient, such as a parent with parental authority or a curator or mentor appointed by the judge. However, it must be clear to the caregiver that the person who wishes to see the record is acting in the best interest of the patient.

### **Viewing information about a person who has died**

Survivors do not automatically have the right to look at the record of a deceased family member. However, you may still have questions after the death of a family member. Feel free to discuss this with the caregiver. If the caregiver thinks that the deceased person would not have objected, he will allow you to see the record. You can also submit your request in writing by filling out the application form and including a letter explaining the reasons for your request.

### **Correcting, supplementing, deleting, screening off, and objecting to information**

You can have any errors in your record corrected, supplemented, deleted, or screened off. You can also submit an objection to the processing of your data by Rivas. You can submit a request for that purpose using the relevant application form.



You can ask for parts of the record to be deleted or for the entire record to be destroyed. If you wish to make an addition to the record, Rivas must add it to your record regardless of whether your caregiver agrees or not. Rivas will reply in writing to your request within one month either by letter or by email. If your request is complicated or extensive, this period may be extended by an additional two months at most. If Rivas does not wish to remove or destroy your data, we will inform you of our reasons.

### **Request by parents**

If you wish to see the record of your child or to receive a (partial) copy or to correct, supplement, delete, or screen off the data in the record, the following rules apply:

- Is your child younger than 12?
- The parent(s) or guardian must sign the request and include a copy of a valid identity document. Your child does not have to sign the request.
- Is your child between 12 and 16 years old?
- Then your child as well as the parent(s) or guardian must sign the request and include copies of valid identity documents.
- Is your child 16 years or older?
- As a parent or guardian, you do not have an independent right to see the record. Your child must sign the request and include a copy of a valid identity document. Your child can also authorize you to see the record.

### **Request by an authorized party**

In principle, allowing a person other than the client himself to see the client's record or receive a (partial) copy of the record or to correct, supplement, delete, or screen off information in the record is possible only after the other person has been authorized in writing by the client to do so and valid identity documents are submitted for the client and the authorized person. As explained above, other rules apply to parents of children under the age of 16.

### **Copy of identity document**

Every person who signs the application form must also attach a copy of a valid identity document.

In order to allow the persons mentioned above to exercise their rights with regard to medical records or other files, Rivas must be able to check the identity of the person making the request and, if necessary, the client. In order to be able to check your identity, we ask you to provide a copy of a valid identity document. For making a safe and secure copy of your identity document and attach it to the application form, Rivas advises you to follow the guidelines provided by the government. Rivas uses the copy of your identity document only for as long as it needs to do so to comply with your request. After that, the copy of your identity document is destroyed.

### **Costs**

The first copy of the record is provided free of charge. If you request additional copies, we can charge you a reasonable fee.

### **Research and quality of care**

Finally: Rivas is obligated to monitor and improve the quality of care. Rivas does its own research for that purpose and also takes part in data collection on a national scale. This kind of research makes use of client data, for example information about the reasons for admissions, complications,



infections, and treatments. This data are used anonymously in order to improve the quality of care in future; the data cannot be connected to any specific person(s). We assume that you do not object to the use of your data for the purpose of improving the quality of care in future. If you do object or if you think that Rivas does not treat your data carefully enough, you can make this clear.

### **Questions and complaints**

If you think that Rivas does not treat your personal data carefully enough, you can contact the complaints officer by sending an email to [klachtenfunctionaris@rivas.nl](mailto:klachtenfunctionaris@rivas.nl) or you can contact the data protection officer via [privacy@rivas.nl](mailto:privacy@rivas.nl).

## **The right to information**

Rivas follows the Planetree model of humanistic health care. One of the key parts of this approach is personal choice and responsibility through information and education. You have the right to receive clear information about your health condition and treatment options. The better informed you are about your situation, the better you will be able to make responsible important decisions and choices. That is why it is important for you to be as well-informed as possible so that you can make well-considered decisions regarding your examination or treatment, in collaboration with the person treating you.

This makes it possible for you to be actively involved in the course of your recovery and its direction. This means an equal relationship, in which you and/or your family are allowed to and can choose what you believe is desirable or good. In addition, you can also make your own maximum possible contribution to good treatment, swift recovery or changes to the situation. As a patient, you can always look at your medical record. You can log into the client portal via [www.mijnrivas.nl](http://www.mijnrivas.nl).

All our professionals are responsible for informing patients well in their specific areas. They are all experts in this, thanks to their knowledge and training. Their job descriptions and professional codes of conduct explicitly describe information and instruction responsibilities.

The care provider must give you good information before any tests or examination or treatment. This can be done verbally or in writing, but always in a way that you can understand. The caregiver must inform you about the following:

- Your current health condition and prospects;
- The nature and purpose of the tests and treatment;
- The health consequences and risks that can be expected;
- Alternative methods for testing or treatment that may be appropriate.

### **Who is the information given to?**

- To the patient, if he or she is 16 years old or older;
- To the patient and parents or carers if the patient is between the ages of 12 and 16 years;
- The (legal) representative (parent, family, authorized person, mentor) if the patient is legally incompetent (in other words, if the patient is unable to make his or her own decisions due to age or mental capacity).

### **How is information given?**

We tailor the information specifically to the patient wherever possible, taking into account their



background and the topic. You will receive information about your health and treatment options in a language you understand. Where possible, this will be done digitally. A print-out can be made if desired. The Rivas website is the source for this information. If necessary, communication can be customized by using aids or through interpreters, those concerned, friends or family.

There are a few groups of employees with specific backgrounds and information tasks; namely contact persons for patient information and specialized nurses. Information, instruction, and support are their most important tasks. They are supported by the Communications Department and the Information Center.

### **If you do not wish to receive any information**

A situation may occur where you do not want information about your health. If you make it clear that you do not wish to receive information, the caregiver has to respect your desire in principle. However, if this leads to danger to yourself or others, the caregiver will have to give you the minimum amount of necessary information. For example if you have a serious contagious disease.

In exceptional cases (emergency hospital admission, loss of consciousness or psychiatric patients at risk of suicide), a caregiver may choose not to give you any information. This may occur in emergencies where immediate action is required. A caregiver may also choose to withhold certain information if he or she believes it may cause you serious harm. In such a case, however, the caregiver must discuss this with another caregiver. Additionally, if possible, he or she must give you the information at a later time.

### **Your information rights and responsibilities**

You can play an important role in the transfer of information. For example, you can write down any questions you have in advance, take someone along to an appointment, or record the conversation. Especially if things are unclear or if you have any doubts, do not hesitate to ask for additional information.

On the other hand, you are also responsible for giving information to the best of your ability, and for cooperating to the degree that may reasonably be required for good care.

## **The right to give or not give permission to a treatment**

Based on solid information, you will make a well-considered decision about tests and/or treatments together with your doctor.

Based on the information you receive, you can decide whether to permit a test or treatment. Without your permission, a caregiver cannot perform a test or treatment, except in case of an emergency where he or she is also unaware of your wishes.

Your care provider may sometimes assume tacit permission. This applies to the following situations in particular:

- For treatments without a great impact, which are part of an already discussed treatment plan;
- If the patient's behavior allows permission to be assumed. For example, if you stick out your arm, the nurse can assume drawing blood is allowed.



## Written registration of permission

For procedures with a serious impact, the caregiver will ask for your explicit permission and record it in writing in your record. This applies to so-called invasive tests and treatments, meaning methods that involve entering into the body with equipment or through other means (for example cutting, injections or anesthesia).

## Who has to give permission?

- For children under the age of 12 years: the parents or carers;
- For children between the ages of 12 and 16 years: the child and parents or carers;
- Ages 16 and up: the patient;
- For adults who are legally incompetent: the (legal) representative (authorized person, mentor or close family).

## What happens if you do not give your permission?

If you do not give your permission, the test or (additional) treatment will not be performed. Your caregiver will inform you about the potential consequences of this decision. You may then no longer hold your caregiver responsible for the potential negative consequences of your decision.

However, your decision is not a reason for your caregiver to end his or her relationship with you. He or she will, if desired, look for other alternatives together with you.

## Your responsibilities as a patient

From a legal perspective, the relationship between a patient and a caregiver is an agreement. Therefore, you as a patient have the following responsibilities in addition to your rights:

- You must inform the caregiver clearly and fully so that he or she may examine and treat you in a suitable manner;
- You must cooperate with tests and treatments wherever possible by following recommendations and instructions from the caregiver;
- You must inform the caregiver if you will not / no longer cooperate with tests or treatments, or deviate from recommendations and instructions;
- You must, if applicable, ensure that the caregiver is paid for his work in a timely manner by you or on your behalf. Therefore, you are responsible for obtaining suitable medical insurance.

## Compulsory admission and treatment

Under which circumstances can you be committed? What are the rules for compulsory treatment? The Dutch Psychiatric Hospitals (Compulsory Admissions) Act (BOPZ) includes rules for the admission and treatment of patients with psychiatric problems. This law regulates when compulsory admission is and is not permitted. It also includes the measures allowed during treatment.

## To whom does this apply?

This law only applies to patients with psychiatric problems. For example in a psychogeriatric (psychiatric home for older people) nursing home.



## The right to complain

Safe and humanistic health care. This is the primary goal of Rivas. However, something may happen that you feel is incorrect or improper. Then please tell us so. We believe that we can learn from the experiences of our clients.

### Complaints mediation

If you have a complaint, please contact a complaints officer. He or she can mediate your complaint. The complaints officer has three options:

- He can inform the person(s) concerned of your complaint.
- He can ask the person(s) concerned to give you a written response.
- He can arrange for a meeting between you and the person(s) concerned. If you wish, the complaints officer can also be present at this meeting.

You can submit your complaint by telephone or via the online complaint form at [www.rivas.nl](http://www.rivas.nl). After receiving the complaint, a complaints officer will contact you. For more information, please contact a complaints officer via [klachtenfunctionaris@rivas.nl](mailto:klachtenfunctionaris@rivas.nl).

If a complaints officer is not available by telephone, the Zorglijn (Care desk) will take your call. You can give them your details. You will be contacted as soon as possible.

### Postal address

Rivas Care Group  
Attention: the complaints officer  
Antwoordnummer 513  
4200 WB GORINCHEM

### Complaints procedure

If you do not desire any mediation or if the mediation does not provide the desired results, you can make use of the Rivas complaints procedure.

The complaints procedure is based on the Model complaints procedure for hospitals, as prepared by the NVZ (Netherlands Association of Hospitals) and the NFU (Dutch Federation of University Medical Centers), in consultation with the VKIG (Association of Health Care Complaints Officers in ). The Netherlands Patients Federation and organizations representing client councils, the LSR (national support center for participation), and Platform CRAZ (Client Council Platform of University Hospitals) endorse this model procedure.

The Rivas complaints procedure meets the requirements of the Dutch Healthcare Quality, Complaints and Disputes Act (Wkkgz). The complaints procedure was adjusted in line with the Rivas chain organization. This internal complaints procedure applies to all clients who receive care from Rivas.

› **BOPZ:** Specific rules apply to complaints that fall within the scope of the Psychiatric Hospitals (Compulsory Admissions) Act (Bopz Act) and the Bopz Complaints Handling Decree. A separate appendix for Bopz complaints is attached to the complaints procedure.



> **Payment for care:** A complaint with regard to the payment for the care provided (for example with regard to the DTC, rates, deductible etc.) does not fall within the scope of the Wkkgz.

Any such requests can be submitted by post directly to Stichting Rivas Zorggroep, to the attention of ZorgControl, Postbus 90, 4200 AB Gorinchem, or by email to [zorgcontrol@rivas.nl](mailto:zorgcontrol@rivas.nl).

> **Claim for compensation:** A request regarding a claim for compensation/damages does not fall within the scope of the Wkkgz. A damages claim can be submitted by post directly to Stichting Rivas Zorggroep, to the attention of Schadebehandelaar, Postbus 90, 4200 AB Gorinchem, or by email to [secretariaatrvb@rivas.nl](mailto:secretariaatrvb@rivas.nl).

> **Complaints regarding services:** A complaint concerning a service provided by Rivas that is not related to care (for example rentals, courses, and activities) does not fall within the scope of the Wkkgz. However, the person with a complaint can make use of the complaints procedure, although he or she will not be able to apply to the Disputes Committee.

### **Investigation Advisory Committee**

The complaints officer can advise you to submit your complaint for evaluation by the Rivas Executive Board. You can, of course, also submit your complaint to the Executive Board by yourself. The Executive Board will then ask the Investigation Advisory Committee to investigate your complaint and will take their findings into account in its decision. The Executive Board deals only with complaints submitted in writing.

Executive Board  
Rivas Investigation Advisory Committee  
Postbus 90  
4204 AA Gorinchem

### **Damages**

If you believe that you have suffered damages as a result of an admission, treatment, or other procedure or activity, you can hold Rivas Zorggroep liable for any such damages. For more information, please contact a complaints officer.

