

Explanatory guide to the

# USER'S RIGHTS AND RESPONSABILITIES

in the Health and social services network of  
Abitibi-Témiscamingue



# BACKGROUND FOR THIS APPROACH



The development of this guide on the user's rights and responsibilities falls within a regional harmonization perspective as well as for meeting the quality standards of Accreditation Canada on the user's active participation in seeking care and services. It was produced by a committee comprised of members from the Comité des usagers du centre intégré (CUCI) representing the user's committees (CU) and resident's committee (CR) of the Centre intégré de santé et des services sociaux de l'Abitibi-Témiscamingue, members from the office of the complaints commissioner of the institution as well as representatives from the *Direction de la qualité, évaluation, performance et éthique (DQÉPÉ)* and a member from the *Direction des programmes déficience intellectuelle, trouble du spectre de l'autisme et déficience physique (DPDI-TSA-DP)*. It is the product of numerous consultations with the institution's users and residents committees, the population and their employees. It is intended to be a complementary guide to the list of the user's rights and responsibilities in order to support the institution's interveners and members of the different users and residents committees in explaining these user rights and responsibilities.

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It should be noted that this guide presents the rights within a general context. Each situation is different and it is possible that rights are defined or limited. It is important that the user discusses specific circumstances with the relevant intervener or manager. For specific questions on a particular case, the office of the complaints commissioner can be contacted.

# GUIDE TO USER RIGHTS

## RIGHTS

**1** To be informed of existing services and how to obtain them.

## EXPLANATIONS

The user has the right to be informed of available services, the type of professional that provides them, the frequency, the place, etc. For example: home support services, support services for adolescents, services in mental health, medical aid in dying, etc.

The user can also be assisted with their need for information. This is possible by referring the user to another resource that can answer their questions or by suggesting that they contact their family doctor, Info-Social, Info-Santé or the CLSC's *Service d'accueil, analyse, orientation, reference (AAOR)* who are always an excellent source of information. The CISSS de l'Abitibi-Témiscamingue website and various pamphlets can also be suggested.

**2** To receive, with continuity and in a personalized and safe manner, services that are scientifically, humanly and socially appropriate.

Scientifically means that the user has the right to receive services based on the best known practices to date. Humanly and socially, with continuity and personalized manner means that these services must be offered to the user in a respectful manner, taking into account their choices, their life, values, culture and their family and social environment. Safe manner implies that all measures must be put into place to guarantee the safety of the individual.

**3** To choose the professional or institution according to available resources.

The user can refuse services from a specific employee for reasons which could affect the service delivery. For example: selecting the gender of the person providing hygiene care according to available resources. The user must be aware that selecting another employee could have impacts on the waiting period, the location, the service and the care being offered.

The institution has the responsibility to designate the type of intervener, the services that are needed and relevant for all demands (ex: social worker versus psychologist or psycho educator, a general practitioner or medical specialist).

The employees also have the right to refuse to provide care or service for justifiable reasons (ex: conflict of interest).

### **4** To receive appropriate emergency care.

When a situation is deemed urgent, the protection of the integrity and security of the user and the employees is a priority. In urgent situations where the life of the user is at risk and they are unable to provide their consent, the personnel will provide initial treatment according to advanced medical directives if they are available. Once the emergency has been dealt with, the medical personnel will make sure to obtain the level of care (ex: not be resuscitated) and the person's consent, or that of the person who can consent on their behalf.

To protect the individual, the Act allows to apply, exceptionally, certain short term measures, and this, without having to obtain the consent of the user, a loved one or their representative.

### **5** To be informed of your state of health, and of the various options open to you and their consequences, before giving your consent to care.

The information concerning the user's situation and the services that could be offered must be clear and complete so that he can select the services that better meet his needs and situation.

The user must be informed without pressure or influence. The information must come from a professional who is authorized and qualified to provide it. For example: for a fracture, it is up to the radiologist or doctor to pronounce a diagnosis. The technician cannot provide this information.

### **6** To be informed of any accident and of their consequences that occur during the provision of care or services as well as measures taken to prevent such reoccurrences.

An accident is a situation involving consequences to the user (ex: injury following a fall, incorrect medication causing adverse effects). When events with consequences occur, information to the user or their legal representative must be given immediately and an accident or incident declaration must be completed and placed in the user's file. Since the disclosure is mandatory for events with consequences (accidents), the notes or disclosure reports must also be in the user's medical file. In such a situation, you will be provided with the measures taken to avoid a reoccurrence.

**7** To be treated with courtesy, fairness and understanding and with respect to your dignity and autonomy (well-treatment).

Treat the user with courtesy, fairness and understanding translates to:

- Offer services adapted to the user's reality
- Respect their dignity, even if the person is too confused to be aware
- Respect their physical and emotional modesty
- Avoid familiarity and personal topics
- Use common courtesy
- Ensure fair treatment to individuals (Ex: according to assigned priority codes at the Emergency)

Foster the user's autonomy constitutes a form of respect. This can be translated in many ways:

- Avoid "doing it instead of the user, or doing the things that the user can do"
- Provide sufficient time for the user to accomplish a task or to express himself
- Allow the user to maintain their skills
- Take the time to listen to the user and consider their concerns.

**8** To accept or refuse care, on your own or through your representative, in a free and enlightened manner.

The user has the right to accept or refuse care without pressure or influence.

The user must have all the information necessary to be able to clearly accept or refuse care or services. He can therefore make an informed and real decision according to possible consequences regarding their situation.

The user's legal representative can express their wishes in situations where their incapacity is temporary or permanent.

Certain exceptions can force a user to receive care. For example: a court decision, etc.



9

**The right to have access to your confidential medical file according to established rules.**

The rules regarding confidentiality and access to a user's file are regulated by laws. To gain access to your file at the CISSS-AT, the user must forward their request to the archives services of their sector. Only elements related to the request will be provided. According to the Act respecting health services and social services (LSSSS) (CQLR. C.S-4.2), to access the file of a deceased person, the confidentiality rules remain in effect, except for certain legal or medical reasons.

An adolescent aged 14 or older can access their own file and must provide their consent so that their parents or another individual may have access to it. It is nevertheless possible to allow access to their legal representative if it does not result in harm to the adolescent.

10

**To participate in decisions that concern you which affect your state of health or wellbeing.**

It is important for the user to be encouraged to participate in their intervention plan, their care plan and treatment plan. Their participation will ensure that decisions concerning them are adapted to their reality and needs and that their intended goals and recovery are realized.

Services will be provided within the limitations of the service offer and decisions must be made jointly with the professionals with the exception of court orders.

11

**To be accompanied by a person of their choice except when related to quality and safety of care.**

In general, the user has the right to be accompanied by a person of their choice when requesting a service or when receiving care or services provided in an institution. Certain exceptions can apply. For example: for surgery in the operating room, for safety and health measures, to prevent infections or for quality of care. The personnel will inform the user if being accompanied is not permitted.



**12** To file a complaint without fear of reprisal on services received or for services you believe you are entitled to.

If the user is dissatisfied, he can, at any time, inform the institution.

Informing the appropriate personnel of one's dissatisfaction allows the institution to improve their services and to rectify procedures. Reprisals will not be tolerated following the submission of a complaint and everything will be analyzed while respecting the complainant's confidentiality. The institution invites the user to contact the head of the department involved or the office of the service quality and complaints commissioner.

The users and residents committees are there to accompany the user if needed. The contact information for these committees are available on the institution's website. It is also possible to contact the office of the Comité des usagers du centre intégré (CUCI). In addition, the *Centre d'assistance et d'accompagnement aux plaintes de l'Abitibi-Témiscamingue (CAAPAT)* (Complaint assistance and support centre) is an external organization that can accompany the user in this process.

**13** To be represented if user is temporarily or permanently incapacitated.

In the case where the user is unable to make decisions on their own behalf or regarding their property, whether temporarily or permanently, he can be represented by a person of their choice. This person can be identified through a protection order which will be approved by the court. In the absence of a protection order, the court will designate a person to make decisions within their scope on their behalf and with regard to their property. This representative could be a parent, a child, a spouse or a family member with a special interest in the user.

Being under a protection regime or protection order does not deprive the user of their right to consent or refuse care. However, if the medical personnel determine that the user is unable to consent to care, a designated person could make the decisions regarding care and services to be provided and always in the user's best interest.

**14** To receive services in English.

The institution is obligated to understand the user's health condition, needs and expectations. The user has the right to understand the professional's questions and directives. He must ensure that you receive services in English, including necessary documentation and information on available services, if English is the language you are most comfortable with.



## GUIDE TO USER RIGHTS

### 14 To receive services in English. (continued)

Available services vary according to the institution that you visit. Delays could occur in order to organize services in English or while searching for an interpreter.

### 15 To safe accommodations according to your condition and the services required.

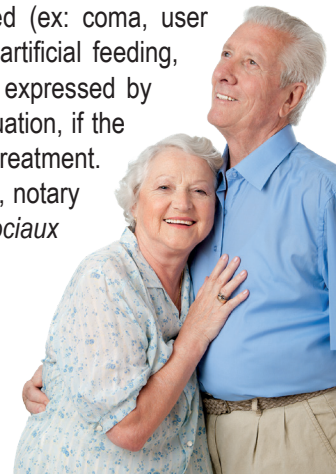
The institution must ensure that the user is directed to a safe living environment that is adapted to their condition following a care or services episode. They are not obligated to keep the user in the care unit especially if the user no longer requires the same level of care or services.

Certain care and services are provided in specific locations in the region. For example: intensive rehabilitation services are offered only at the *Centre d'hébergement de soins de longue durée (CHLSD)* in Macamic. The user who requires this type of service must stay at this location to receive this level of intensive services. Should the user refuse, they must accept to stay elsewhere where the intensity of the services risk not meeting the needs of their health condition and thus causes adverse impacts on their recovery.

### 16 To receive end of life care and the respect of advanced medical directives.

End of life care includes, among other things, palliative care, continuous palliative sedation and medically assisted death. These services are provided according to specific medical and legal criteria. Medical personnel and doctors can refuse to provide this care if their conscience does not allow (conscientious objection): they must then refer the user to a colleague.

Advanced medical directives allow the user to give advance consent or refusal regarding certain care in a specific situation. For example: in a situation where cognitive function is severely and irreversibly affected (ex: coma, user consents or not to cardiopulmonary resuscitation, to artificial feeding, etc.). This document has legal value and the wishes expressed by the individual must be respected. In an emergency situation, if the user's life is at risk, the personnel will provide initial treatment. For more information, the user can contact their doctor, notary or visit the *Ministère de la Santé et des Services sociaux website (MSSS)*.





# GUIDE TO USER'S RESPONSIBILITIES

## RESPONSIBILITIES

## EXPLANATIONS

- |   |  |
|---|--|
| <b>1</b> To participate in your care and services, and attend meetings to prepare your intervention plan or service plan. | The user must participate in his care and services according to his abilities. His contribution is essential for the smooth delivery of provided services. Actively participating in their care and services will allow the user to feel involved and to obtain safe services that are better adapted to their situation.  |
| <b>2</b> To express your needs and expectations with regard to your care and services.                                    | Expressing needs and expectations is a prerequisite to being satisfied with the care and services the user will receive. The institution will do its best to meet the user's expectations according to available resources, and in compliance with safety, rules and legal frameworks that must be respected.  |
| <b>3</b> To collaborate with the personnel and respect your commitments and appointments.                                 | <p>The user's collaboration is essential for the smooth delivery of services: respect appointments or notify of their absence (ideally 24 hours in advance), collaborate with the personnel, provide necessary information to the professionals to accelerate the request process and to receive care and services.</p> <p>Serious delays often occur when the user does not respect their appointments and/or do not respect recommendations prior to receiving care. These attitudes also have a big impact on the waiting lists and can prolong service episodes and have an impact on the user's ability to heal and their well-being.</p> |
| <b>4</b> To adequately prepare for prescribed examinations and treatments.  | <p>The user must bring all necessary documents (medical referral, documents provided by professionals, list of medication, list of questions to ask, etc.).</p> <p>Being prepared will have a notable positive impact on the duration and quality of the appointment and on the services. Services will be better tailored to the user's situation and have a beneficial effect on their health and well-being.</p>  |

## GUIDE TO USER'S RESPONSIBILITIES

**5** To request explications when information appears to be unclear or incomplete.

The personnel will provide information that is as complete and precise as possible. It is however the responsibility of the user to ask for clarification on how to request care or services and how they will be provided. Language used in the health services and social services domain are often complex. The user must not hesitate to ask to simplify an idea or a concept so that it is easier to understand, or to have information repeated if necessary or to ask questions.

**6** To always show respect towards the personnel, the other users and for all property.

The user and personnel have the right to be treated with respect, politeness and curtesy. This ensures better services in a pleasant environment. Consequently, violent behavior or bullying will not be tolerated.

All property belonging to the institution must be used respectfully and made available for the next user (ex: wheelchair).

**7** To respect the institution's rules and policies.

Respecting the rules and policies of the institution allows it to continue to provide quality care and services. Respect from everyone is essential to maintain an adequate environment, as much for those who are receiving care and services as for those who are providing it.

Here are examples of rules and policies: parking in designated areas, visiting hours, smoking in designated areas, use of wheelchairs and their return after use, etc.

**8** To be discreet regarding services provided to other users.

Physical spaces do not always allow for private conversations with professionals. Discretion is a must for the person sharing your room, in the examination room or waiting room. Everyone will appreciate keeping their situation confidential, including the user and their family.



## GUIDE TO USER'S RESPONSIBILITIES

**9** To store personal effects to prevent theft, loss or damage.

The institution is not responsible for the loss of personal possessions. However, a survey on risk management should determine the causes, for all personal possessions required for daily life and not for valuables that the user has decided to keep with him. It is important for the user receiving care in the institution, that they leave their valuables at home or give them to a loved one.

**10** To use appropriate means to ensure your safety and that of others regarding care and services.

To avoid adverse events or accidents, it is important to respect basic safety precautions at all times. The user must inform the personnel if there is a risk to their personal safety or the safety of others.

Here are a few examples: never leave material lying around in common areas that could cause a fall, use a mask in the emergency room if you have a cough, wash your hands to avoid contamination, inform a security officer if snow removal is needed in an area, etc.

**11** To leave the institution as soon as possible when discharged.

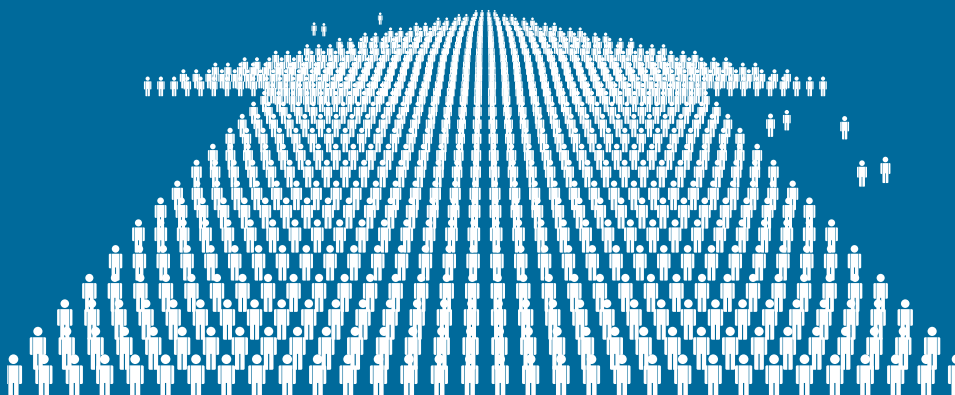
In order to allow all users to have access to services in a timely manner, it is important to leave your room as quickly as possible once you have been discharged.

Delaying your departure can cause important delays for receiving new users. There are many necessary steps needed before accepting a new person such as cleaning the room, decontamination, changing bed linen, etc.

When being admitted into a care unit, even if the user is not aware of when they will be discharged, it is important to check with family to see who can come help, if necessary, when being discharged.

**12** To provide all necessary information to the quality of services commissioner when submitting a complaint.

Submitting a complaint or expressing dissatisfaction with regard to care or services are important actions in the improvement process for the institution. The user must collaborate in the treatment of their complaint. For example: by providing specifics to the quality of services commissioner's team so that they can carry out their duties in the examination of the unsatisfactory situation and formulate the appropriate recommendations.



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