



VELFERÐARRÁÐUNEYTIÐ

Ministry of Welfare

Patients' Rights Act, No. 74/1997, as amended by Act No. 77/2000, No. 40/2007, No. 41/2007, No. 112/2008, No. 55/2009, No. 162/2010, No. 126/2011, No. 34/2012 and No. 44/2014.

SECTION I Introduction.

Objective.

Article 1

The objective of this Act is to ensure specific rights for patients in accordance with general human rights and human dignity and thus strengthen their legal status vis-à-vis the health service, and to support the confidential relationship which must exist between patients and healthcare practitioners.

It is prohibited to discriminate against patients on grounds of gender, religion, beliefs, nationality, race, skin colour, financial status, family relationship or status in other respect.

[Article 1 a

Patients' rights during the implementation of scientific research is subject to the Act on Scientific Research in the Health Sector.]¹⁾

¹⁾ Act No. 44/2014, Article 36.

Definitions.

Article 2

Patient: A user of the health service.

[*Healthcare practitioner:* Person working in health services, licensed by [the Medical Director of Health]¹⁾ to use to the professional title of a authorised health profession.]²⁾

Treatment: A test or examination,³⁾ operation or other [healthcare service]³⁾ rendered by a physician or other healthcare practitioner in order to diagnose,⁴⁾ cure, rehabilitate, nurse or care for the patient.

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¹⁾ Act No. 112/2008, Article 63. ²⁾ Act No. 41/2007, Article 24. ³⁾ Act No. 55/2009, Article 26. ⁴⁾ Act No. 44/2014, Article 36.

Quality of the Health Service.

Article 3

The patient has the right to the best health service available at each time.

The patient has the right to service appropriate to his/her condition and prognosis at each time and the best knowledge available. The healthcare practitioner shall endeavour to establish a sound relationship with the patient.

The patient has the right to continuity of service and cooperation between all healthcare practitioners and institutions involved in the treatment.

Access to Information on Patients' Rights.

Article 4

[The Ministry]¹⁾ shall ensure that information is available concerning patients' rights, patients' associations and [health insurance].²⁾ This information shall be made accessible to patients on the premises and places of work of health institutions and self-employed healthcare practitioners. Furthermore, an endeavour shall be made to inform the public of the causes and consequences of illnesses in children and adults.

¹⁾ Act No. 126/2011, Article 244. ²⁾ Act No. 112/2008, Article 63.

SECTION II

Information and Consent.

Information on Health and Treatment.

Article 5

A patient has the right to information regarding:

- a. his/her state of health, including medical information on his/her condition and prognosis,
- b. the proposed treatment, as well as information on its course, risks and benefits,
- c. possible remedies other than the proposed treatment, and the consequences of refraining from treatment,
- d. the possibility of seeking the opinion of another physician or other healthcare practitioners, as appropriate, regarding treatment, condition and prognosis.

It shall be entered in the health record of the patient that information under this Article has been provided.

Information under this Article shall be provided whenever there is reason to do so and in such a manner and under such circumstances that the patient can understand it.

If the patient does not understand Icelandic or uses sign language, interpretation of the information under this Article shall be provided.

Exemptions from the Principle on Information on Health and Treatment.

Article 6

Information under Article 5 shall be withheld if the patient so requests. A patient can appoint another person to receive the information in his/her place.

It shall be entered in the health record if the patient declines information on his/her health and prognosis or appoints another person in his/her place. The identity of the person receiving the information shall likewise be entered, *cf.* paragraph 1 of this Article and Articles 7 and 25.

In the case of a patient unable to understand the information under Article 5, the information shall be given to a close relative or, if the patient has been deprived of legal competence to his/her legal guardian.

Article 7

The right of the patient to decide whether he/she will accept treatment shall be respected.

The provisions of the Act on Legal Competence apply to the consent to treatment of patients who, due to lack of intelligence or for other reasons provided for by that Act, are incapable of making a decision regarding treatment. In such cases the patient shall nevertheless be consulted as far as possible.

No treatment may be given without the consent of the patient, *cf.* paragraphs 1 and 2, *cf.* however Article 9. Consent shall be in writing whenever possible and indicate the information provided to the patient, and that he/she has understood the information.

Refusal of Treatment.

Article 8

If the patient refuses to accept treatment, a doctor shall inform him/her about the possible consequences of his/her decision.

The patient may discontinue treatment at any time, unless otherwise provided by other legislation. If a patient refuses to accept treatment, his/her physician or the healthcare practitioner supervising the treatment shall inform him/her of the possible consequences of the decision. Refusal of treatment for sick children is subject to the provisions of Article 26.

A patient's decision to refuse or discontinue treatment shall be recorded in his/her health record and it shall be confirmed that he/she has received information on the possible consequences of his/her decision.

Exemptions from the Principle of Consent to Treatment.

Article 9

If a patient is unconscious or his/her condition is such that he/she is unable to express his/her will regarding urgent treatment, consent shall be assumed, unless it is known with certainty that he/she would have refused treatment.

Consent to Scientific Research.

Article 10

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¹⁾ Act No. 44/2014, Article 36.

Participation in the Training and Tuition of Students.

Article 11

The patient must be informed if students in the health sector are to be present during his/her treatment, as part of their training and tuition. A patient can refuse to take part in such training and tuition.

SECTION III

Duty of Confidentiality.

Healthcare Practitioners' Duty of Confidentiality.

Article 12

A healthcare practitioner shall maintain the utmost confidentiality regarding anything of which he/she becomes aware in the course of his/her work regarding the health, condition, diagnosis, prognosis and treatment of a patient, as well as other personal information. The duty of confidentiality persists after the death of a patient and after cessation of the practitioner's employment. The practitioner may provide information for exigent reasons, with due regard to the wishes of the deceased and the interests of those concerned. When a practitioner is in doubt, he/she can seek the opinion of the Medical Director of Health.

Exemptions from Duty of Confidentiality.

Article 13

Confidentiality under Article 12 does not apply to incidents on which a healthcare practitioner must report under other legal provisions, such as the provisions of the Child Protection Act. In those cases, a practitioner must report the incident to the appropriate authorities.

A practitioner may be released from the duty of confidentiality by consent of the patient or his/her guardian.

Obligations of a healthcare practitioner to testify in a court of law are subject to the provisions of [Healthcare Practitioners Act].¹⁾

¹⁾ Act No. 34/2012, Article 34.

SECTION IV

Handling of Information in Health Records.

Access to Health Records.

Article 14

[Handling of information in health records is subject to the provisions of the Health Records Act.]¹⁾

¹⁾ Act No. 55/2009, Article 26.