

## Overview:

In providing health care, many health care providers face the challenge of providing optimum care and respect for patients while minimizing health and safety risks for themselves and others. In the case of caring for patients living with HIV, this can be a challenge fraught with questions and concerns. This briefing document will address many commonly asked questions about human rights law and best practices for health professionals in caring for patients living with HIV.

## Human Rights and HIV/AIDS<sup>1</sup>

The *Alberta Human Rights, Citizenship and Multiculturalism Act* governs provision of health services, including services available in hospitals, dental clinics, private practices run by GPs and other specialists and any other health service normally available to the public. This *Act* prohibits discrimination against people based on:

- Race
- Colour
- Ancestry
- Place of Origin
- Family Status
- Marital Status
- Religious Beliefs
- Physical Disability
- Mental Disability
- Sexual Orientation
- Gender (Transgender)
- Source of Income

Specifically, people are protected from discrimination on the basis of:

- HIV status and Hepatitis C status, as both are physical disabilities
- Alcohol and drug addiction as both are physical/ mental disabilities
- Source of income, including people who receive disability benefits and social assistance

Many medical professionals are also licensed and governed by professional associations, such as the Alberta College of Physicians and Surgeons, the Alberta Dental Association and College and the College and Association of Registered Nurses of Alberta. These professional associations typically require their members to adhere to Alberta Human Rights legislation as part of their codes of ethics and those violating the human rights of their patients or staff can face repercussions, including the loss of their license to practice.

## Human Rights in Practice:

- Health providers cannot refuse to serve new patients due to their HIV status, drug and alcohol use, sexual orientation, country of origin or source of income
- Health providers must not use intake forms to screen out new patients based on the above
- Health providers cannot abandon the care of long term patients due to their HIV status
- Health providers must not breach the confidentiality of patients
- Health providers must seek informed consent before carrying out medical procedures, including HIV testing
- Health providers must not use extra protective precautions as these are unnecessary if universal precautions are followed
- Not only must health providers not discriminate, they must accommodate the individual needs of people with disabilities. They must take reasonable steps to accommodate, up to the point of “undue hardship”
- Within reason, a health care provider may need to educate themselves or consult with other professionals in order to provide adequate treatment to their patient (e.g. call the patient’s HIV specialist to discuss possible drug interactions with HIV meds)

## Best Practice Guidelines in Service Provision for People Living with HIV

In recognition of the roles and responsibilities of health care providers, the following guidelines outline best practices and an appropriate and respectful approach to providing health services for people living with HIV.

### 1) Put patients’ interests first and act to protect them.

- Work to overcome any fears or concerns you may have in order to provide your patients living with HIV with the best care possible
- If you feel like someone in your office is not being respectful towards a patient, pull them aside to discuss the problem

- Consider the challenges your patients may be facing, and try to find ways to help them overcome those challenges. For example, many people living with HIV are living on very low incomes, so providing them with extra freebies, such as medication samples, bandages, toothbrushes etc. may help them better maintain their health between visits. Similarly, many people living with HIV are on income support programs like AISH or CPP-D that provide limited coverage for certain procedures (e.g. dental care). So, taking the time to discuss which options cost the least but offer the best quality could help reduce the financial burden they will need to bare.
- Take patient complaints seriously and respect their right to make a complaint if they feel that the service they have received is not adequate or respectful. Respond to those complaints appropriately. Understand that many people living with HIV have had negative experiences in accessing health services, and may be more sensitive to the way they are treated as a result.

**2) Respect patients' dignity and choices.**

- Treat all of your patients with dignity and respect
- Even if you don't agree with the choices your patient has made (e.g. drug use, smoking etc.), respect their right to make decisions for themselves and do not treat them badly because of their choices.
- Recognize the right of each individual to make decisions regarding their bodies, their care, and their priorities and discuss any treatment decisions with the individual before proceeding to deliver care.
- Treat patients equally and in line with Alberta Human Rights law. Do not discriminate against any person on the basis of physical/ mental disability (including HIV status, Hepatitis C status, drug and alcohol addiction), gender (including transgendered/ transsexual people), sexual orientation, family status, marital status, source of income (including AISH and other benefits programs) race, colour, ancestry, place of origin, religious beliefs or age.
- Create an office space that is welcoming and inclusive of diversity. Decorate with posters and provide reading materials that reflect the diversity of the people you serve, including ethnicity, sexual orientation, gender, socio-economic status and disability. Including a poster or pamphlet to raise awareness about HIV and to reduce stigma will help encourage your patients to feel safe about disclosing their HIV status. Contact your local AIDS Service Organization to request materials.

**3) Protect the confidentiality of patients' information.**

- Due to the stigma attached to HIV status, many people living with HIV do not even share their HIV status with their friends and family. Any information on HIV status shared with a health professional must be kept confidential and used only for the purpose for which it was given
- Within the health care setting, extra care should be taken in discussing the individual's HIV status to ensure that other staff and patients are not able to eavesdrop on confidential conversations. If it is necessary to discuss information related to the patient's HIV status, the conversation should take place in a private and confidential location, like a closed office or examination room
- All patient information collected should be kept in a secure location (e.g. a locked filing cabinet) in order to prevent accidental disclosure or unauthorized access to confidential files
- If it is necessary to share patient information with a health professional outside of the health care site, the patient should be asked to provide their written consent
- Ensure that intake forms are specific that information collected will be kept confidential and will not be used to screen people as patients, but instead, will be used to ensure superior care tailored to their specific needs, and appropriate referrals when necessary.

**4) Co-operate with other members of the patient's health team and other healthcare colleagues in the interests of patients.**

- Referrals to other health care professionals should be made when appropriate. For example, if the care the patient requires falls outside of your knowledge, professional competence or physical abilities, the patient should be referred to a specialist. However, for routine care and care that falls within your competence, you should provide the patient with care, even if it requires extra work on your part to consult with their primary care physician or other member of their health team. Due to the limited number of HIV specialists in health and dental care, long waiting lists for specialized care, limited geographical availability of such specialized care and the limited financial resources of



many people living with HIV to afford travel to these locations, every effort should be made to provide care within their local neighbourhood, town or city

- Health care providers should work with other health care providers to monitor HIV progression and treatment failure. For example, if a patient who has been on anti-retroviral treatment suddenly develops an oral manifestation of HIV, the dentist should consult with the patient and, provided they consent, with their primary care physician to address the health issue as a team.

**5) Maintain your professional knowledge and competence.**

- Health care providers should regularly update their professional knowledge and competence in the area of HIV/AIDS
- Health care providers should research specific issues that may affect their clients, like possible drug interactions and new developments in the use of antibiotics for pre-dental treatment infection control, in order to ensure that the care they are providing is consistent with current best practices

**6) Be trustworthy.**

- Health care providers should work to develop a trusting relationship with their patients. Do this by consistently acting with integrity, honesty, fairness and using a non-judgmental approach to working with patients.

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<sup>1</sup> *Alberta Human Rights, Citizenship and Multiculturalism Act*. Electronic document. <http://www.qp.gov.ab.ca/Documents/acts/H14.CFM>  
[Accessed September 27 2007.](#)