

Report No. 159/2559 on right to public health care services in a case of which Faculty of Medicine, Navamintrathirat University's Wachira Phayabarn Hospital, was accused of making transfer of health security right without consent.

Issue of complaint

A complainant submitted a petition to the National Human Rights Commission of Thailand (NHRCT) requesting it to investigate a case of which the complainant claimed that the accused sent a letter to the complainant informing him that it had transferred the complainant who used to use his right to public health care service at Wachira Phayabarn Hospital which was only about 200 meters from the complainant's home to use this right at Public Health Service Center 6, Women's Cultural Society which was about 10 kilometers from the complainant's home. The accused gave a reason for this transfer that it was a part of a project to reduce congestion of patients and pay attention to patients with complex illness. The complainant claimed that this was unfair to him and he was deprived of convenience to exercise his right to public health care, creating too much burden for the complainant. The complainant then requested the NHRCT to make the accused cancel this action and return his right to receive public health care service at Wachira Phayabarn Hospital as he previously had.

Actions

The NHRCT considered this petition and opined that even if in changing place where public health service is provided to a person with right to health security, the accused did according to the intention of the National Health Security Act B.E. 2545 (2002) which provided every Thai people who had no right to disburse medical expenses from the government or the Social Security Act to be able to access health care service based on principle that health promotion and service are provided in stages – primary, secondary and tertiary, actions taken by the accused which is a government agency should be carried out in the way that is recognized by law. Taking Article 5 and Article 6 of the National Health Security Act B.E. 2545 (2002) and National Health Security Committee's rule about criteria, methods and conditions for registering to choose service unit no.5 and no.6 into consideration, persons who have the right to receive public health service and desire to use this right to receive public health service could submit an application to register and choose a regular service unit or ask for change of one's regular service unit by oneself. Persons who have the rights to receive public health service could choose a regular service unit in sub-district or district area where they have their names in the household registrations or a service units in a connected sub-district or district area taking into consideration importantly their convenience and necessity. There is no provision in any section of the Act and no rule allowing any service unit to change the place where service receivers are to use their right to health security without consent from the service receivers. Therefore the accused's transfer of service unit where the complainant used his right to health security to Public Health Service Unit 6 at the cultural society without consent from the complainant was violation of the complainant's human rights. However, when the accused transferred the complainant's right to health security back to Wachira Phayabarn Hospital, the case of violation against the complainant's human rights had been remedied. The NHRCT then proposed recommendations for protection of human rights concerning right to receive public health

care to Ministry of Public Health and the National Health Security Office that they have to take into consideration Constitution of the Kingdom of Thailand and related laws as follows:

Policy recommendations and suggestions for law improvement

(1) In this case of Bangkok, National Health Security Office Zone 13, Bangkok Metropolitan Administration (BMA), the accused and BMA's Health Office should take actions together as follows:

1.1) The public health service receiver whose right to health security had been transferred should be remedied by returning his health security right to receive public health service at Wachira Phayabarn Hospital as it was in the beginning.

1.2) The service unit should send a letter to inform the public health service receiver who used his right to receive the service at Wachira Phayabarn Hospital to transfer his health security right to a public health service center near to his home by possibly using village public health volunteers or community leaders to help in public relations, coordinating and making service receivers understand the situation.

1.3) A letter should be sent to people who have health security right, but do not reside in the area of Bang Sue District, Bang Plad District, Jatujak District, Rajthevi District, Phyathai District, Phranakorn District, and Pathumwan District to transfer their health security right to use public health service at a service unit near to their home.

(2) In case of the provinces, Ministry of Public Health and National Health Security Office in related zones should take actions as follows:

1) A letter should be sent to service receivers to transfer their health security right to a public health service unit near to their home by possibly using village public health volunteers or community leaders to help in public relations, coordinating and making service receivers understand the situation.

2) To transfer health security right, geographic information system should be used to identify public health service unit that is close to a service receiver, taking into consideration convenience for the service receiver to travel to receive services.

3) Service units (community hospitals or sub-district health promotion hospitals) should be developed to be ready to provide services to public health service receivers every day to reduce congestion of out-patients at center hospitals or large hospitals as follows:

3.1) in term of infrastructure: enough parking space for service unit vehicles, inspection chairs and toilets.

3.2) in term of personnel: building capacity of hospital staff to be able to provide fast service; physicians could save life in time and completely cure illnesses.

3.3) in term of medical supplies: having all medicine needed for treating all symptoms of service receivers.

Successes/progress in human rights protection

Faculty of Medicine, Navamintrathiraj University's Wachira Phayabarn Hospital reported that the complainant had been remedied and explained that in the process to transfer health security right, the National Health Security Office Zone 13 had carried out public relations and informed all service receivers. Most service receivers understood and agreed to the actions, except some people who in the beginning, did not understand and disagreed. The hospital put additional efforts to make them understand and allowed them to

experiment whether or not the service receivers in doubt benefit from the action. Finally, about a year and a half after the change took place, there has been no serious problem and service receivers have been satisfied with the change. The hospital therefore has decided that there should not be any action that may cause confusion. Except for certain service receivers who have special needs, they would be considered specifically case by case.

(2) Bangkok Metropolitan Administration's Health Office reported that 68 public health services centers are primary service units / regular service units where health security right could not be transferred because registration for health security right is considered a duty of all citizens; they have to register to receive primary services. Public relations concerning changes of service receivers' right together with Faculty of Medicine, Navamintrathiraj University's Wachira Phayabarn Hospital as a project to reduce congestion of out-patients through monthly meetings of district offices involved.

(3) National Health Security Office Zone 13 Bangkok Metropolitan reported that it worked with related government agencies to remedy every person directly affected and had already returned health security right at the hospital to the complainant. Geographic information system was used to arrange a public health service unit near to each person's home at sub-district level to the person, aiming to make it conveniently for the people to receive services. The office also accepted policy recommendations from the NHRCT to consider taking actions together with other related agencies.