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Current challenges of ensuring patients' rights in Europe and the USA

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Abstract

The purpose of the study was to conduct a comprehensive analysis of current issues related to the protection of patients' rights in healthcare systems in Europe and the United States. For this purpose, a comparative analysis of the legal acts in the United States of America and Europe ensuring patients' rights was carried out, using terminological, formal legal, structural and functional methods, and problem analysis. The results obtained show that the legal provisions on patients' rights in Europe and the USA include the rights to access to quality medical care, confidentiality of medical information, participation in the decision-making process regarding treatment, and the right to access medical services without discrimination on any grounds. A review of the obstacles faced by European and American patients in protecting their rights in the 21st century has shown that measures should be taken to raise standards and make healthcare more accessible to all. It is particularly important to create a more effective system of monitoring the observance of patients' rights and the application of modern healthcare standards. In the future, it will be relevant to monitor the development of digital medical technologies and improve the health literacy of the population. The recommendations include the creation of patient

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rights training plans, professional development of healthcare professionals and ensuring more open and transparent healthcare governance, strengthening of legislative regulation, improving access to healthcare, protection of personal data, development of telemedicine, raising awareness of patients' rights, reforming the insurance system, and monitoring and evaluation of the quality of healthcare. These recommendations will contribute to improving the healthcare system, ensuring the protection of patients' rights and reducing inequalities in access to healthcare in the US and Europe

Keywords: healthcare; access to medical services; medicine; international standards; medical care; legislative framework

Introduction

Studying the current challenges of ensuring patients' rights is extremely relevant in the context of rapid changes in the healthcare sector. This study contributes to improving the quality of medical services, enhancing the protection of patients' rights, and promoting a fairer and more ethical healthcare system. Innovations in healthcare, such as telemedicine, the use of artificial intelligence and digital medical records, pose new challenges to patients' rights. On the one hand, these technologies improve the accessibility and quality of healthcare services, but on the other hand, they raise questions about data security and privacy. Regular changes in national and international legislation require constant monitoring and adaptation to ensure compliance with modern patient protection requirements. Growing attention to ethical aspects in medical practice emphasizes the importance of ensuring patients' rights, such as the right to informed consent, the right to refuse treatment and the right to access complete information about their health status. Ensuring patients' rights requires creating conditions for equal access to healthcare services regardless of social status, income, or place of residence. The growing role of patients' organizations and civic initiatives points out the need to actively involve patients in healthcare decision-making and ensure their rights.

Having studied the issue of patients' rights, T.O. Zheglinska (2023) and M. Tsurkan (2019) concluded that patients' rights are a set of social, economic and legal relations that arise in the field of healthcare. They encompass the right to quality and safe medical care, the right to free choice of a doctor and a medical institution, and the right to confidentiality of medical information. As M. Tsurkan (2019) notes, the theoretical aspects of patients' rights are based on the universal values of dignity, freedom, and the right to protect one's own personality. They are also reflected in acts of international law and national legislation regulating medical activities. Understanding the theoretical aspects of patients' rights helps to improve the healthcare system and ensure respect for the rights and interests of each patient. The law enables every patient to realize their fundamental rights, such as the right to respect for human dignity, evidence-based services and the right to advocacy.

D.V. Yatskiv and S.S. Yesimov (2022), and V.V. Yakovleva (2020) studied the main problems that arise in the field of ensuring patients' rights. According to the conclusions of D.V. Yatskiv and S.S. Yesimov (2022), one of the main problems of ensuring patients' rights in the field of specialized care is a simple lack of knowledge of what patients'

rights are and how they should be exercised. However, as noted by V.V. Yakovleva (2020), there may be another explanation, which lies in the areas of procedural law. This inaccessibility may be partly due to the fact that people are often not involved in the life of society as a whole or through the state system, and partly due to the specific function of the state, which is characterized by a wide range of special rules. As emphasized by O. Getmatets *et al*. (2018), the problem of financial insurance as a violation of patients' rights is also a relevant topic, especially in the context of access to healthcare. It can become a barrier to ensuring equal access to healthcare, which violates patients' rights to quality and timely treatment.

The right of an individual patient to receive medical care and the patients' right to freedom of choice of treatment options, according to the results of the study by O. Lisnycha (2020), play a significant role in healthcare practice. In most modern democracies, the right to life and the right to personal physical integrity are inalienable, but their meaning may change. According to D.O. Bilyi (2021), patient protection mechanisms include established norms and procedures aimed at ensuring the safety, dignity, and satisfaction of patients' needs. They include various legislative acts, court decisions, medical standards and ethical rules. Public authorities and non-governmental organizations play a pivotal role in ensuring that patients' rights are respected and in addressing complaints about violations. In addition, there are mechanisms for alternative dispute resolution between patients and healthcare facilities, such as mediation and consultations with a lawyer, which help to resolve conflict situations without litigation.

After conducting research on this topic, Z. Nampewo *et al*. (2022) noted that patient protection is aimed at guaranteeing access to quality healthcare, maintaining the confidentiality of medical information, and ensuring the right to informed consent. In the healthcare system, this issue is important both in terms of legal support and an ethical approach to patient care. M.A. Hall *et al*. (2024) argue that ensuring patients' rights requires a comprehensive approach that includes both improving the legislative framework and enhancing the culture of interaction between patients and healthcare professionals.

Despite the growing interest in this topic, there are aspects that remain unexplored or require further study, in particular, it is worth paying attention to the question of how effective the existing mechanisms for protecting patients' rights in different European countries and the United States are and how these mechanisms can be improved. Thus, the purpose of the study was to analyse and assess the current challenges faced by healthcare systems in Europe and the United States in the context of ensuring patients' rights. The following tasks were set: studying the existing legislation regulating patients' rights in Europe and the United States; comparing various legislative acts related to patients' rights; studying how patients' rights are implemented in practice in different countries of Europe and the United States; assessing the effectiveness of mechanisms for protecting patients' rights.

Materials and Methods

Using the terminological method, the author examines the key concepts of "patients' rights" and "protection of patients' rights". The main approaches to the interpretation of the concept of patients' rights are studied by means of comparative analysis. The essence of the legal protection of patients' rights is determined. The formal legal method helped to study the norms of international and national legislation of Europe and the USA on patients' rights, as well as the main differences in legal pro-

tection of patients between different countries. The article identifies the foundations of healthcare legislation created in Europe and the United States. The main components of national healthcare systems in the USA and European countries are analysed using the structural and functional method. The importance of ombudsman offices in European countries in ensuring and protecting the rights and obligations of patients is highlighted. The role of public and patient organizations in supporting and promoting patients' rights is determined. The role of the World Health Organization (WHO) and the Council of Europe in ensuring patients' rights in Europe and the United States is investigated. Ethical issues related to patients' rights are analysed. The legal institutions and the procedure for regulating the legal protection of patients' rights are studied. Differences in approaches to ensuring patients' rights between European countries and the United States are identified.

As part of the study of this topic, the authors examined the legal acts in the United States and some European countries that ensure patients' rights. In particular, the Health Insurance Portability and Accountability Act (1996), the Affordable Care Act (2010), Certification and Compliance for the Emergency Medical Treatment and Labour Act (1986), Patient's Bill of Rights (1997), Mental Health Parity and Addiction Equity Act (2014). The main rights of patients in the United States are highlighted. Separate analyses are made of the legal acts regulating patients' rights in Germany, the United Kingdom, Sweden, Italy, and the Netherlands, namely: the Patient Rights Act (2013), National Health Service Act (2006), Patient Act (2014), Law of Italy No. 219 "Rules on Informed Consent and Advance Treatment Arrangements" (2017), Dutch Law of Medical Treatment Agreements (1995). Given this analysis, the basic rights of patients in Europe were systematized. The generalized legal acts on human and civil rights were also analysed separately, namely: the Universal Declaration on the Human Genome and Human Rights (1997) and the European Charter of Patients' Rights (2002). As a result, recommendations were formulated to improve patient rights based on the results of the study, and areas for improvement of policy, legislation, and practice in this area were identified.

Results

Ensuring patients' rights is a key aspect of health systems that aims to protect the interests, safety, and dignity of people receiving health care. Historically, patients' rights have been absent or limited (Barcik, 2022). The issue of patients' rights first became relevant in the 20th century (Tanha and Hayat, 2022). In 1948, the UN General Assembly approved the Universal Declaration of Human Rights (1948), in which some articles dealt with patients' medical rights. Later, in 1997, the Universal Declaration on the Human Genome and Human Rights (1997) was adopted in Warsaw, which emphasized the principles of solidarity and justice in health care.

The concept of legal protection of patients' rights is a new category in the theory of law and is an interdisciplinary, complex and mainly normative concept. Legal protection of citizens' rights is the main category of law that reflects the overall goal of the legal organization. Legal protection is based on other legal institutions and regulates the exercise of citizens' rights within the established procedure (Nagin & Telep, 2020; Van Beers, 2020). Fundamental rights are inextricably linked to fundamental human values and, when exercised, contribute to the realization of the individual's interests (Shue, 2020). The foundations of healthcare legislation established in Europe and the United States include provisions

in special laws, health insurance laws, social security laws, codes of ethics for certain professions, guidelines for professional associations, and sometimes customs (Park *et al.*, 2023). The doctrines of renowned scholars are also important. Since the main components of national healthcare systems in different countries largely correspond to the general matrix of social health law and the related structure of healthcare law, the community of European states is implementing a single healthcare system. This policy is being developed within the legal and institutional framework established by the Consolidated Version of the Treaty on European Union (2012), and mainly within the framework of the regulatory objectives recognized as the basis of the Treaty, such as harmonization of requirements for health systems and ensuring a high level of protection of human health. The norms set out in the above-mentioned Community regulations are binding on the main health services of the Member States. These norms shall be implemented in their national legal systems by each Member State in the form most appropriate for it, using its own governmental and administrative mechanism.

Economic inequalities in the US and Europe and the discriminatory distribution of citizens on a national scale, including access to health care, require the study of the impact of health services on the health of citizens (Emanuel *et al.*, 2021). As of 2024, inequality is seen as a difference between personal characteristics caused by geography-based reasons. There is certainly no more specific legal means of implementing the historical and universally recognized principles of medical ethics than legislation and codes aimed at protecting patients' rights. The European Charter of Patients' Rights (2002) reflects the right of everyone to receive medical care in accordance with positive laws and generally accepted medical principles. It has identified priority tasks for raising national standards of public health protection, preventing diseases and creating conditions that would ensure equal access to necessary medical services. It is the basis for both existing and newly developed social and medical legislation.

Confidentiality and equivalent information security are among the fundamental rights protected by American and international social law instruments, thanks to the special principles of international conventions on human rights and biomedical research. Convention for the Protection of Human Rights and Dignity of the Human Being concerning the Application of Biology and Medicine: The Convention on Human Rights and Biomedicine (1997) ensures the confidentiality of a person who provides a physical sample of himself or herself. The collection, processing, and storage of confidential information is aimed exclusively at specific, clearly defined and technically feasible tasks within the framework of specific lease agreements or specific purposes that do not contradict the principles of national security.

A wide variety of laws and regulations at both the state and federal levels ensure that Americans have access to and are free to exercise individual choice in choosing medicines and healthcare options in accordance with their own values, beliefs, and priorities. Patient rights cover a wide range of issues, from the right to give (or receive) informed consent, the right to receive emergency care, the power to receive and distribute petitions, maintain health insurance, or appoint proxies to carry out advance care directives on behalf of the patient. As the culmination of more than two centuries of almost continuous expansion of patient protections, the body of law that has evolved over time is considerable.

Federal laws and regulations, including judicial constructions of them, provide important

safeguards and remedies for constitutionally privileged associations, including the patient-provider relationship. Modern legal principles of patient rights are deeply rooted in centuries-old traditions and thus withstand changing political winds. These principles are grounded in the interests, religious obligations, voluntary agreements, and patient decision-making capacity and practices that originated during the nation's founding. Ultimately, the US courts serve as the last line of defence for patient rights and access that are not fully addressed by state or federal laws.

Patients' rights in the US are regulated by various federal and state laws (Table 1), which guarantee access to healthcare, confidentiality of medical information, and protection from discrimination and mistreatment. It is possible to single out such basic rights of patients in the USA as the right to access to medical care (patients have the right to receive adequate medical care regardless of their social status, race, religion, or the presence of health insurance), the right to informed consent (patients have the right to receive full and clear information about their health condition, possible treatment methods, risks, and benefits before agreeing to any medical intervention; medical professionals are obliged to provide information in a form accessible to the patient), the right to confidentiality (medical institutions must use measures to protect patients' personal information from unauthorized access), the right to access medical records (patients have the right to view, copy and correct their medical records, medical institutions are obliged to provide access to medical records within the time limits established by law, the right to participate in making decisions about treatment (patients have the right to participate in decision-making about their treatment, including the right to refuse treatment or choose alternative methods of treatment, patients also have the right to a second medical opinion, the right to equal access to medical care (Rafati *et al.*, 2024). The Affordable Care Act (2010) prohibits discrimination based on pre-existing conditions or other factors, it expands access to health insurance and health services for all citizens), the right to respect and dignity (patients have the right to be treated with respect by medical personnel, including the right to privacy during treatment, medical professionals are obliged to provide medical care taking into account the individual needs and wishes of patients, the right to safe treatment (medical institutions must adhere to high safety standards to prevent medical errors and infections, patients have the right to be informed about any risks associated with medical intervention).

Table 1. Key laws and regulations that protect patients' rights in the United States

Legal act	Objective	Requirements
The Health Insurance Portability and Accountability Act of 1996 (1996)	Protecting the confidentiality and security of patients' medical information	Healthcare facilities must ensure the confidentiality of medical records and restrict access to them to authorized persons only. Violations of the Health Insurance Portability and Accountability Act may result in significant fines and penalties
Affordable Care Act (2010)	Expanding access to health insurance, reducing the cost of medical services and improving the quality of medical care	Prohibiting the denial of insurance due to pre-existing conditions, expanding Medicaid and establishing healthcare exchanges for the purchase of insurance

Table 1. Continued

Legal act	Objective	Requirements
Certification and Compliance for the Emergency Medical Treatment and Labour Act (1986)	Guaranteeing the right of patients to emergency medical care regardless of their ability to pay for medical services	All medical institutions receiving federal funds are required to provide emergency medical care to all patients
Patient's Bill of Rights (1997)	Ensuring fundamental rights of patients in healthcare facilities, such as the right to informed consent, the right to participate in decision-making regarding their treatment, the right to confidentiality	Medical institutions should ensure the rights of patients and inform them of these rights
Mental Health Parity and Addiction Equity Act (2014)	Ensure equal coverage of mental health and drug treatment compared to medical and surgical treatment	Insurance plans should provide the same coverage for mental health as for physical health

Source: compiled by the author

It is necessary to constantly monitor legislative updates and implement new standards to improve patient protection. Active involvement of patients and civil society organizations in protecting their rights helps to improve the quality of care and ensure compliance with the law (Stone *et al.*, 2020). In Europe, regulations are focused, in particular, on regulating specific issues in the area of patient rights (Table 2). In most cases, the legal acts of individual countries are similar to or based on existing European regulations (Meszaros *et al.*, 2022).

Table 2. Legislative protection of patients' rights in European countries

Country	Legal act	Objective
Germany	Patient Rights Act (2013)	Establishes the rights of patients to information, informed consent and compensation in the event of a medical error. Patients can file complaints with special healthcare ombudsmen
United Kingdom	National Health Service Act (2006)	Guarantees the right of patients to access healthcare services, protection of confidentiality and participation in decision-making regarding their treatment
Sweden	Patient Act (2014)	Includes provisions on the right to information, informed consent, data protection and the ability to file complaints about the quality of healthcare services
Italy	Law of Italy No. 219 "Rules on Informed Consent and Advance Treatment Arrangements" (2017)	Ensures the rights of patients to informed consent and the option to refuse treatment
Netherlands	Dutch Law of Medical Treatment Agreements (1995)	Regulates the relationship between patients and healthcare facilities, including the rights to information and confidentiality

Source: compiled by the author

The expansion of the list of rights of modern patients expands the scope of judicial protection of their interests. This contributes to the improvement of the legal framework of European countries in the field of implementation of such rights and other important unified principles and norms of interaction between society and healthcare systems. Many European countries have established ombudsman offices to address patient complaints and protect their rights (Reif, 2020). The results of the activities of ombudsmen in protecting patients' rights in European countries show a positive impact on the healthcare system. They help to improve the provision of healthcare services, correct shortcomings in the work of medical institutions and ensure that patient' rights are respected. The work of the ombudsmen also contributes to strengthening citizens' trust in the healthcare system and improving their attitudes towards healthcare personnel (Soumia & Al-Mahdawi, 2023). The impact of the ombudsmen is to identify systemic problems in healthcare, resolve conflicts between patients and healthcare institutions, and develop recommendations for improving the quality of healthcare services.

Active role of civil society and patient organizations in supporting and promoting patients' rights. International organizations such as the WHO and the Council of Europe play a pivotal role in ensuring patients' rights in Europe and the US (Sahlström *et al.*, 2019). The WHO actively promotes the development of international health standards, including the definition of patients' rights. The Council of Europe also carries out critical work in this area, ensuring the development and implementation of European standards in the field of patient protection. These organizations facilitate the exchange of best practices between countries, as well as provide advice and recommendations on how to improve legislation and practice in the field of patient protection.

Researchers distinguish the following rights of patients:

- the right to access to medical services (patients have the right to timely access to quality medical care without discrimination on any grounds);
- the right to informed consent (medical institutions are obliged to provide patients with all the necessary information about the state of their health, treatments, risks, and alternatives so that patients can make informed decisions);
- the right to privacy (patients' medical data must remain confidential, and their processing must comply with data protection standards);
- the right to participate in decision-making (patients have the right participate in decision-making regarding their treatment and medical procedures concerning them);
- the right to respect (patients have the right to respect for their dignity and privacy during the provision of medical care);
- the right to information (patients have the right to receive clear and detailed information about their state of health, available services and procedures);
- the right to complaint and compensation (patients have the right to file complaints about the quality of medical services and receive appropriate compensation in case of violation of their rights).

The patient also has the right to free choice of a doctor and healthcare facility, as well as the right to the desired treatment and to refuse any medical intervention. In addition, patients have the right to participate in decision-making about their treatment and to have their interests protected in the event of treatment failures or complications (Varkey, 2021).

One of the most common problems in ensuring patients' rights in Europe is unequal access to healthcare (in some countries, there are difficulties with equal access to healthcare, especially for migrants and vulnerable groups); data protection (with the development of digital technologies, new challenges arise in protecting patients' medical data); patient awareness (many patients are not sufficiently aware of their rights and mechanisms for their protection) (Palm *et al.*, 2021). Limited access to healthcare services is a major problem, especially for vulnerable groups. This includes people with low incomes, migrants, people with disabilities and the elderly. Barriers can be financial, geographical, or related to insufficient numbers of healthcare professionals. Inequalities in access to services pose serious threats to the realization of the right to health. Ensuring patients' rights also faces the problem of insufficient information about diagnoses, treatment and possible risks. This makes it difficult for patients to make informed decisions about their health. Patients often do not have enough information about their rights, the possibility of obtaining a second opinion or available treatment options, which can affect the quality of healthcare services.

In modern medical practice, more and more attention is paid to an individual approach to patients. However, the reality often falls short of the ideal, especially in an environment where healthcare professionals are overworked, and resources are limited. Standardized treatment approaches that do not take into account patients' personal circumstances can lead to ineffective treatment and patient dissatisfaction. Many European countries have not yet established or underdeveloped mechanisms to protect patients' rights, such as effective complaints systems, healthcare ombudsmen or specialized legal advice. This makes it difficult for patients to protect their interests in the event of a violation of their rights and limits their ability to defend their interests in court.

The problems related to patients' rights in Europe require a comprehensive approach to their solution. Reforms are needed that focus on ensuring access to healthcare services, improving patient information, protecting data privacy, introducing an individualized approach and creating effective mechanisms for protecting rights. The demand of European citizens for public, accessible and effective healthcare is growing. Increasing citizen participation in healthcare choices, including through increased access to information and a growing diversity of values and preferences, has heightened pre-existing concerns about patients' rights (Thomson *et al.*, 2019).

The use of modern information technologies, citizen participation in decision-making, and the need for collaboration between healthcare providers, as well as the movement of both patients and healthcare providers across borders, have contributed to increased transregional interaction. To meet these expectations of consensual patient protection, the WHO Regional Office for Europe issued the European Charter of Patients' Rights (2002). The charter outlines 14 general rights that WHO experts believe should be upheld in conflict-affected health systems in European countries.

As of now, patients nationally and internationally are gaining significant legal rights in relation to their own bodies and access to healthcare, the way they are treated and the compensation they can claim for health-related harm. In the same context, the support of these patients by consumer protection laws and the classification of healthcare services as economic services of general interest leads, on the one hand, to a more prominent role for patient will and informed consent compared to decisions made by

healthcare professionals, and, on the other hand, to the continuous growth of defensive medicine and the increase in healthcare budgets (Hall *et al.*, 2024). This guarantees the patient a number of rights regarding respect for the person, information and self-determination, access to healthcare services at three levels: not to be deprived of these services, to claim compensation for health damage, conduct, and behaviour as those of nurses, the performance of administrative and penal duties of healthcare professionals, the ability to obtain medical records from public and private healthcare institutions, and the international aspect of healthcare.

In order to avoid a possible conflict between the provision of patients' rights (*iuridictio subsidaria*) and their legal personality, it is necessary that each European state adapts and interprets the provisions of the legislation ensuring patients' rights in accordance with its national legal system. Such provisions relate to the patient's right to access to healthcare services, to information and details (i.e., how doctors (in general) and physicians (in particular) inform the patient about risks, expected benefits and therapeutic alternatives), to consent to medical treatment (including refusal of life-sustaining treatment) and the possibility to obtain a second medical opinion, to free choice of healthcare provider (including the obligation of the doctor to comply with the patient's will) and healthcare facility, to secrecy and confidentiality of personal data, to receiving copies of their own medical records free of charge.

Discussion

Legal protection in the healthcare sector has been discussed for a long time and has become particularly relevant at the beginning of the 21st century to patients' rights and, in particular, human rights at the beginning and during treatment. The legislation reflects several approaches to the definition of the term. As noted by A. Hanson and L.M. Haddad (2023), they are the result of specific aspects of legal protection that can be focused on or specific legal mechanisms that provide legal protection. However, a comprehensive definition of legal protection is still lacking. In contrast to legal regulation, which is a much broader concept, legal protection in healthcare is often considered within the framework of certain types of legal relationships, such as doctor-patient or hospital-patient. The definition of patient protection is then relatively straightforward.

As it has been established, the concept of "legal protection of patients" belongs to the category of complex definitions that have several approaches. At the same time, the legal protection of patients is inextricably linked to the focus on legal relations and their object. Therefore, it is advisable to use a comprehensive definition that includes the defined concept in several approaches and takes into account the legal relations that make up the content of the defined concept. It is worth paying attention to the study by G. Nittari *et al*. (2020). Under the legal protection of patients, the authors define a set of measures aimed at ensuring the implementation and preservation of the patient's rights and interests, as well as certain legal relations arising in the course of providing medical services to the patient and establishing specific rules and regulations, actions of the parties to the relations to ensure the preservation of the right to health and obligations arising from such legal relations.

As established, all patient rights are designed to ensure strong standards of professional examination and treatment. This is confirmed by the compilation of B. Kompa *et al*. (2021) summarized list of patient rights, which includes the right to be informed, the right to consent, the right to privacy,

the right to confidentiality, the right to ethics and the right to refuse, the right to be free from unnecessary pain and suffering, the right to stay in hospital, the right to obtain a second opinion, the right to obtain a copy for treatment and control of one's own personal medical data, the right to health protection in case of negative consequences after examination and treatment, the right to adopt a dignified death, the right to understanding and the right to support. It should be added that the patient has the right to participate fully in the decision-making process regarding their treatment. Patients have the right to be free from unnecessary pain, suffering and related stress.

It is also worth paying attention to the conclusions of R.J. Cook (2020). The author argues that in many countries, the quality of medical care is low because patients and their rights are not respected. We should agree with this opinion. According to the study, in countries in Africa and parts of South Asia, such as Nigeria, Mali, South Sudan, Bangladesh and Pakistan, the concept of patient rights is absent or weak, and there are no laws or regulations that define, protect or provide a framework for claiming them. If patients are to assert these rights and receive what they are entitled to, health policies must support them. It can be concluded that the need for patients to be citizens in a democratic society is one of the reasons why patients' rights are becoming an important policy issue.

It was found that civil society and patient support organizations are active in ensuring and promoting patients' rights. This is confirmed by the findings of A. Mishra *et al*. (2021). The authors note that civil society and patient organizations play a unique role in promoting patients' rights. Providing legal support, counselling, and disseminating new knowledge and legislation are the main tasks of public and patient organizations. In the authors' opinion, these organizations deserve more support and respect from the state and the private sector because of the inordinate burden that public health and the national economy bear due to the efforts of these organizations.

The investigation also established the role of ombudsmen in ensuring and protecting patients' rights. A.A. Abwunza *et al.* (2021) also emphasize the positive impact of ombudsmen in the process of ensuring patients' rights. According to the study by A.A. Abwunza *et al.* (2021), the most basic role of such a person is to investigate individual patient complaints. In addition, the ombudsman may have broader powers to investigate recurring problems; monitor services to identify new problems before they become more severe; and then influence either the health service to make changes directly or the government to amend regulations. The role of ombudsmen in addressing patient complaints and protecting patients' rights is being considered in a number of European countries. It is worth paying attention to the conclusions of N. Dzhafer and I. Chavkova (2023) that ombudsmen are independent of the health service management, and their investigations are considered thorough and fair in determining the facts and what happened. They are also independent arbiters of procedural correctness, behaviour, and rights to a reasonable service. Their outcomes are reasonable, predictable, and fair, and the individual patient believes the service acts impartially. Finally, their processes are transparent, and their findings should be made public.

The realization of patients' rights in healthcare is challenging for several reasons. Some of these are practical problems related to the nature of the healthcare environment, and some are ethical in nature. These are some reasons why patients may not always find patient rights in practice, or even if these rights are respected, they

may not be able to exercise them to the fullest extent. Patients are usually in a vulnerable position. As they lack the necessary information and experience in the medical field, they are dependent on medical professionals and institutions. In a high-risk situation, this makes it even more difficult to realize patients' rights. On the other hand, incapacitated patients or children are not even able to fulfil the cognitive, volitional or communicative conditions to be rights holders. Especially due to the unsafe nature of healthcare services, when a patient is in this position, they are often unable to receive the necessary support. Given the limited availability and inadequacy of external oversight mechanisms, the existence of internal monitoring mechanisms in healthcare facilities is essential.

Conclusions

In modern European and US legislation, patients' rights are guaranteed by a number of laws and regulations that define their legal status. Among the fundamental rights of patients are the right to information about their health status and possible treatments, the right to confidentiality of medical information, and the right to refuse treatment. The legislation also defines the right to access quality medical care, the right to non-discriminatory treatment and the right to protection from non-consensual experimentation.

Patient rights legislation and regulations in Europe and the United States include the rights to access quality healthcare, confidentiality of medical information, participation in treatment decisions, and the right to seek healthcare services without discrimination on any grounds. In Europe, these rights are defined in the European Charter of Patients' Rights and national legislation, while in the US they are enshrined in various federal and state laws. Legal norms also regulate the relationship between patients and healthcare professionals, including requirements for informing patients about their rights and responsibilities, as well as the procedure for resolving conflicts.

In the twenty-first century, there are several global challenges to patient rights related to health, confidentiality, and access to healthcare. These include insufficient availability of medicines and medical equipment, excessive cost of medical services, and inequalities in access to quality healthcare. Another major challenge is the lack of resources in healthcare systems, which leads to patient dissatisfaction and insufficient access to high-quality healthcare.

An analysis of current challenges in ensuring patients' rights in Europe and the United States points to the need to strengthen measures to improve the quality and accessibility of healthcare services for all. One of the main challenges in researching this topic is that access to statistical data related to patients' rights is often limited due to confidentiality issues or bureaucratic obstacles. This can lead to incomplete research and distorted results.

One of the essential areas for future research is to study how digital technologies, such as telemedicine and electronic medical records, affect patients' rights, including confidentiality, access to information and the quality of healthcare services.

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Conflict of Interest

None.

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Сучасні виклики забезпечення прав пацієнтів в Європі та США

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Анотація

Метою дослідження було проведення комплексного аналізу сучасних проблем, пов'язаних із захистом прав пацієнтів у системах охорони здоров'я в Європі та США. Для цього, було проведено порівняльний аналіз нормативно-правових актів у Сполучених Штатах Америки та Європі, що забезпечують права пацієнтів, використано термінологічний, формально-юридичний, структурно-функціональний методи, проблемний аналіз. Отримані результати показали, що правові норми щодо прав пацієнтів у Європі та США включають права на доступ до якісної медичної допомоги, конфіденційність медичної інформації, участь у процесі прийняття рішень щодо лікування, право на доступ до медичних послуг без дискримінації за будь-якою ознакою. Огляд перешкод, з якими стикаються європейські та американські пацієнти у захисті своїх прав у XXI столітті, показав, що слід вжити заходів для підвищення стандартів і зробити медичну допомогу доступнішою для всіх. Особливо важливим є створення більш ефективної системи контролю за дотриманням прав пацієнтів і застосуванням сучасних стандартів у галузі охорони здоров'я. У майбутньому буде важливо стежити за розвитком цифрових медичних технологій і підвищенням медичної грамотності населення. Серед рекомендацій – створення планів навчання правам пацієнтів, підвищення кваліфікації медичних працівників і гарантування більш відкритого та прозорого управління в галузі охорони здоров'я, посилення законодавчого регулювання, покращення доступу до медичної допомоги, захист персональних даних, розвиток телемедицини, підвищення обізнаності пацієнтів щодо їхніх прав, реформування системи страхування, моніторинг та оцінка якості медичної допомоги. Ці рекомендації сприятимуть покращенню системи охорони здоров'я, забезпеченню захисту прав пацієнтів та зниженню нерівності у доступі до медичної допомоги в США та Європі

Ключові слова: охорона здоров'я; доступ до медичних послуг; медицина; міжнародні стандарти; медична допомога; законодавча база