

## INTERNAL REGULATION<sup>1</sup>

### INFORMATION

#### ARTICLE 1

In accordance with article 10 of the royal decree of 8 July 2003, this internal regulation aims to establish the rules for the organisation, functioning and processes of the hospital mediation service of the Europe Hospitals.

#### ARTICLE 2

The internal regulation is available on the website of the institution ([www.cliniquesdeleurope.be](http://www.cliniquesdeleurope.be)).

#### ARTICLE 3

The patients must be informed of the option to use the hospital mediator. The Hospitals will relay the contact information for Mediation Services to the patients, at their request, via the brochures provided in all intake folders and at the reception desk.

### GENERAL PRINCIPLES

#### ARTICLE 4

Mediation is the voluntary collaborative process between the parties involved in a complaint, managed by a third party appointed by the institution that facilitates communication and attempts to bring the parties to strive for an amicable and lasting solution by themselves.

As they were initially not able to come to a mutual solution, the (mediation) parties reach out to Mediation Services.

In accordance with article 11 of the act of 22 August 2002, the mediator has the following duties:

- The prevention of issues and complaints by encouraging communication between the patient and the professional practitioner;
- The mediation of complaints as intended in § 1 for the purpose of finding a solution;
- The communication of information to patients regarding the options to settle their complaint in the absence of a solution as intended in 2°;
- The communication of information regarding the organisation, functioning and procedural rules of the mediation function: (I.R.);
- The formulation of recommendations to prevent the re-occurrence of any failure that may lead to a complaint as intended in § 1.

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<sup>1</sup> Cf. Art. 10 of the royal decree of 8/7/2003

§ 3. The I.R., by decree deliberated by the Council of Ministers, sets the conditions that the mediation function must meet with respect to independence, professional secrecy, expertise, legal protection, organisation, operations, funding, rules of procedure and jurisdiction.

If a patient, after having followed the procedure, does not receive his medical file within 15 days, he may submit a complaint with Mediation Services (also see [patient rights](#)).

The mediator performs his function in an **independent** manner.

He acts in a neutral and impartial manner. He does not take a stand during the mediation process. The mediator is bound by professional secrecy (see art. 458 of the penal code).

For more information on professional secrecy, [click here](#).

Anybody working at the Europe Hospitals is invited, if needed, to collaborate or be consulted as part of a mediation procedure. Wherever practicable, the mediation attempts to handle a complaint through a meeting of the people directly involved.

## HOW TO CONTACT THE MEDIATION SERVICE?

By mail, phone, email or appointment (wherever practicable, the complainants will be seen by appointment.)

Mediation Services: 206 Avenue de Fré, 1180 Brussels.

Tel. 02-614 90 93

Email: [mediation@euhos.be](mailto:mediation@euhos.be).

In case of a complaint made verbally or over the phone, Mediation Services will request the complainant to transcribe his complaint in writing, wherever possible, to be able to investigate the matter as efficiently as possible and without risking to alter the words and feelings of the complainant. The patient can opt to be assisted by a trusted person.

### ARTICLE 5

Mediation Services of the Europe Hospitals was created pursuant to the provisions of the [Patient Rights Act](#) of 22 August 2002 and in accordance with the provisions of the Royal Decree of [8 July 2003](#), setting the conditions that must be met by the mediation function in hospitals.

The mission of the Europe Hospital's Mediation Services is to:

- Prevent, primarily and wherever possible, the filing of complaints by encouraging and promoting communication and direct contact between the patient and the professional practitioner;
- **Fully independently** examine the complaints of patients with respect to patient rights as described by the Patient Rights Act of 22 August 2002, **including**:
  - The right to quality service
  - The right to choose the professional practitioner
  - The right to information
  - The right to consent
  - The right for the file to be retained and stored by the practitioner
  - The right to access and copy the file
  - The right to the protection of privacy
  - The right to submit a complaint with the mediation function
  - The right to receive pain management

#### ARTICLE 6

The mediation function has the power to investigate, as needed, with all people concerned in the complaint that may be able to provide useful details, as well as with experts outside of the institution.

#### ARTICLE 7

The complainant has the right to:

- An intervention, free of charge, by Mediation Services,
- A fair and respectful handling of his grievance,
- An objective, impartial and fully independent investigation of his grievance,
- Clear information regarding the competences and working method of Mediation Services,
- A verbal or written acknowledgement of receipt of his grievance within seven business days (excluding holidays),
- Mediation Services reserves the right to discontinue a mediation if it believes that the process is not possible (cf. ARTICLE 4, the mediator must inform the patient of other means to come to a resolution and mediation alternatives).

## ARTICLE 8

To avoid compromising the independence of the mediation function (RD 19 March 2007), the mediator function is incompatible with:

- An executive or management function in a healthcare facility, including a position as a director, chief medical officer, head of the nursing department or president of the medical council;
- The performance, at the hospital, of a function that involves providing healthcare services as a professional practitioner, as intended by the Patient Rights Act;
- A position or an activity in an association that aims to defend the rights of the patient.

To ensure the independent performance of his duties, the mediator cannot be penalised for actions undertaken as part of the rightful performance of his duties. The mediator cannot be connected to the facts or persons that are the subject of the complaint in any manner. The mediator handles the complaint within a reasonable time frame considering the various steps needed to resolve the issue and the organisation of the function.

## COMPETENCES

### ARTICLE 9

Mediation Services encompasses the handling of complaints relating to the exercise of rights granted to patients under the Patient Rights Act of 22 August 2002. Consequently, complaints under the law are systematically forwarded to the hospital management / legal department that will assign a case manager to handle the complaint. (NB: in agreement with management, Mediation Services may fulfil this role).

## WHAT THE HOSPITAL MEDIATOR IS NOT

**The mediator is not a judge; his role is not to dispense penalties.** The power available to him is contingent on how much both parties wish to confer on him. It is their prerogative to refer to management or not.

(NB: the remarks and/or penalties are not disclosed to the patient clientèle).

**The mediator is not an attorney: he is multi-partial** (fully focused on listening to both parties without passing judgement), **does not take sides and is not there to justify the position of any of the parties.**

Mediation Services is not a claims office: some grievances may be resolved by the patient himself.

## WHEN TO CONTACT THE MEDIATOR?

PATIENT	MEDIATION	OTHER SERVICES
You feel that, as a <b>patient</b> , your rights have not been respected	YES If you were not able to solve the problem by yourself	NO
You have a suggestion for improvement or wish to congratulate a team	YES	NO
You had a problem in the car park	YES	Except in case of a medical problem: please contact the legal department: 02-614 27 91
You have problems with your invoice	NO	please contact the legal department: <a href="mailto:administrationpatients@euhos.be">administrationpatients@euhos.be</a>
If you have suffered loss or theft	NO	please contact the loss & theft department by phone: 02-614 27 91
If you need an interpreter	NO	Please contact Inter-cultural Mediation Services by email: <a href="mailto:mic@euhos.be">mic@euhos.be</a> , or by phone: 02-614 91 10
You need to obtain a medical record	NO	Please follow the procedure provided by the hospital reception and send your request to <a href="mailto:dossiersmedicaux@euhos.be">dossiersmedicaux@euhos.be</a> with a copy of your identity card.
Post Mortem medical file	NO	Please contact the legal department: 02-614 27 91
As a <b>service provider</b> , you believe that the patient has not honoured his duties	YES	NO

## ARTICLE 10

Mediation Services encompasses all complaints that are the subject of a procedure in court, by the police, against the media or that led to a court decision. Any complaint under review will be closed immediately if a legal action is filed.

## PROCEDURE

### ARTICLE 11

A complainant who was not able to resolve his dispute with the person with whom he has a disagreement, will contact Mediation Services.

The mediator listens to the grievance of the complainant. Together with the complainant, he will define the subject matter of it as precisely as possible and analyse the various options to resolve the issue in question. After receiving the complaint, the mediator gathers the elements needed for its analysis, as well as all documents contributing to a better understanding of the complaint. The mediator then forwards the documented complaint to the person involved, without taking sides in relation to the complainant's perspective. He undertakes to convey it as accurately as possible to the person concerned by the complaint to give this person a clear and precise understanding of how the complainant perceives the situation. The handling of a complaint can vary significantly based on the urgency and demands of the complainant. He may either draw up a letter to the attention of the other party of the mediation, or schedule a mediation meeting with the persons concerned by the complaint.

### ARTICLE 12

The hospital will notify Mediation Services of the response it will give to the recommendations of the complaint.

## REPORT

### ARTICLE 13

Every complaint is handled diligently within a reasonable time frame and finalised within six months. If necessary, Mediation Services may extend this period to handle the complaint. If the period is extended, Mediation Services shall notify the hospital and complainant about this and provide supporting justification. For all complaints, the following data are encrypted:

- The identity and quality of the complainant, his representative and, if necessary, his trusted person, i.e. the last and first names,
- The date and subject matter of the complaint,
- The date the complaint is received,

- The content of the complaint,
- The completion date of the complaint handling process,
- The outcome of the complaint handling process.

Any data of a personal nature that are collected as part of the complaint investigation will only be retained for the time needed for the handling thereof.

#### ARTICLE 14

Every year, Mediation Services draws up a report with a statement of the number of complaints, the subject of the complaints, the outcome of its proceedings and the follow-up of the recommendations. In addition, it may include the issues encountered by Mediation Services in the performance of its duties and the potential recommendations to resolve them. The report mentions the recommendations of Mediation Services, including the ones intended in article 11 of the Patient Rights Act of 22 August 2002. The report shall not contain any elements that would allow a person concerned by the complaint handling to be identified. It will be sent no later than during the fourth month of the following calendar year:

- To the Administrative Board, the Executive Committee, the Medical Committee.
- Following the Sixth State Reform, the Brussels Region has the authority, as of 2016, to receive and analyse the annual reports of the mediators performing the mediation function in accordance with the Patient Rights Act of 22 August 2002. The annual report must be available for consultation within the hospital by the competent medical inspector.