

## **Be Empow(ER)ed**

A brief guide to your rights as a patient in the emergency room.

### **What hospitals must do:**

- Emergency departments (EDs) *must provide screening examinations to everyone*, regardless of insurance status, ethnicity, gender, sex, religion, or other identity characteristics.
- Hospitals may not delay providing an appropriate medical screening examination or stabilizing medical treatment for any reason, including asking about an individual's method of payment or health insurance status.
- If the ED cannot stabilize you, they *may* transfer you to another hospital that can.

### **What if I don't speak English or am deaf or blind?**

- All ED patients are entitled to language assistance under Title VI of the 1964 Civil Rights Act.
- Under the Americans with Disabilities Act (ADA), hospitals must provide effective means of communication for patients, family members, and hospital visitors who are deaf or hard of hearing.

### **What if I don't have insurance?**

- A hospital must still provide screening examinations to ensure you do not have an emergency medical condition.

### **What if I have insurance but am still worried about the cost?**

- Insurance companies are required to cover emergency care, regardless of the diagnosis, according to the Prudent Layperson Standard. The Prudent Layperson Standard ensures that emergency care is covered based on a person's symptoms rather than their final diagnosis.

### **What about police in the ED?**

- Providers cannot give patient information to the police without consent or a court-ordered warrant, except in cases of suspected criminal conduct or serious threats to public health and safety.

### **What about my general rights in the ER?**

- You have the right...
  - To be treated with respect and consideration;
  - To know the name and role of your healthcare provider;
  - To be free from restraints unless other less restrictive measures have been tried and restraints are the only way to protect you from hurting yourself or others;
  - To refuse treatment (your provider must explain the risks of refusing treatment to you and if you understand those risks and still refuse care, the provider must look for other ways to provide care that is acceptable to you);
  - To request or reject pain medication;

- To refuse to participate in any research studies that you may be asked to participate in (your refusal cannot affect the medical care you receive);
- To have privacy, ensuring that only your medical team has access to your personal health information; and
- To request your medical records.

### What laws help protect these patient rights?

- EMTALA (Emergency Medical Treatment and Labor Act) EMTALA requires EDs to screen you for medical emergencies and “stabilize” you.
- Disability Rights Laws – Americans with Disabilities Act (ADA) and Rehabilitation Act considers many mental health conditions, alcohol use disorder (even if you are currently struggling with addiction), and substance use disorder (if you are no longer using) as disabilities.
  - EDs cannot discriminate against you based on any of these disabilities. This means, for example, that an ED can’t refuse to treat you because of your substance use disorder or deny your reasonable request for substance use disorder related services, such as referral to treatment centers or offering naloxone.
- Race Discrimination – Title VI of the Civil Rights Act.
- HIPAA (Health Insurance Portability and Accountability Act) protects your personal medical information.

### Tips for you:

- **Provide as much information as you can** about your medical condition. Know the names of the drugs you take, the allergies you have, your blood type, and other important information. Better yet, prepare that information ahead of time so your caretakers can find the information they need.
- **Ask a friend or loved one to go with you.** If you can't, ask emergency personnel to phone someone on your behalf.
- **Ask questions continually.** The more questions you ask, the more engaged you will be with the staff.
- **Ask everyone to wash and sanitize their hands** before they touch you.
- **Make sure the staff gives you written instructions to follow once you get home.** And follow them!

**References:**

<https://archive.ada.gov/hospcombr.htm#:~:text=Under%20the%20Americans%20with%20Disabilities,deaf%20or%20hard%20of%20hearing>

Taira, B.R., Orue, A. Language assistance for limited English proficiency patients in a public ED: determining the unmet need. *BMC Health Serv Res* 19, 56 (2019). <https://doi.org/10.1186/s12913-018-3823-1>

<https://ldi.upenn.edu/our-work/research-updates/when-health-care-and-law-enforcement-intersect-in-trauma-care-what-rules-apply/>

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### You have the right...

- To be treated with respect and consideration;
- To know the name and role of your healthcare provider;
- To have a screening examination regardless of insurance status, ethnicity, gender, sex, religion, etc. (this screening exam or stabilizing medical treatment cannot be delayed for any reason including asking how you will pay);
- To be free from restraints unless other less restrictive measures have been tried and restraints are the only way to protect you from hurting yourself or others;
- To refuse treatment (your provider must explain the risks of refusing treatment to you and if you understand those risks and still refuse care, the provider must look for other ways to provide care that is acceptable to you);
- To request or reject pain medication;
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