

Patient's Bill of Rights

What is the Patient's Bill of Rights?

Here you will find a summary of the Consumer Bill of Rights and Responsibilities that was adopted by the US Advisory Commission on Consumer Protection and Quality in the Health Care Industry in 1998. It is also known as the Patient's Bill of Rights.

The Patient's Bill of Rights was created to try to reach 3 major goals:

1. To help patients feel more confident in the US health care system; the Bill of Rights:
 - Assures that the health care system is fair and it works to meet patients' needs
 - Gives patients a way to address any problems they may have
 - Encourages patients to take an active role in staying or getting healthy
2. To stress the importance of a strong relationship between patients and their health care providers
3. To stress the key role patients play in staying healthy by laying out rights and responsibilities for all patients and health care providers

This Bill of Rights also applies to the insurance plans offered to federal employees. Many other health insurance plans and facilities have also adopted these values. Even Medicare and Medicaid stand by many of them.

The 8 key areas of the Patient's Bill of Rights

Information for patients

You have the right to accurate and easily-understood information about your health plan, health care professionals, and health care facilities. If you speak another language, have a physical or mental disability, or just don't understand something, help should be given so you can make informed health care decisions.

Choice of providers and plans

You have the right to choose health care providers who can give you high-quality health care when you need it.

Access to emergency services

If you have severe pain, an injury, or sudden illness that makes you believe that your health is in danger, you have the right to be screened and stabilized using emergency services. You should be able to use these services whenever and wherever you need them, without needing to wait for authorization and without any financial penalty.

Taking part in treatment decisions

You have the right to know your treatment options and take part in decisions about your care. Parents, guardians, family members, or others that you choose can speak for you if you cannot make your own decisions.

Respect and non-discrimination

You have a right to considerate, respectful care from your doctors, health plan representatives, and other health care providers that does not discriminate against you.

Confidentiality (privacy) of health information

You have the right to talk privately with health care providers and to have your health care information protected. You also have the right to read and copy your own medical record. You have the right to ask that your doctor change your record if it is not correct, relevant, or complete.

Complaints and appeals

You have the right to a fair, fast, and objective review of any complaint you have against your health plan, doctors, hospitals or other health care personnel. This includes complaints about waiting times, operating hours, the actions of health care personnel, and the adequacy of health care facilities.

Consumer responsibilities

In a health care system that protects consumer or patients' rights, patients should expect to take on some responsibilities to get well and/or stay well (for instance, exercising and not using tobacco). Patients are expected to do things like treat health care workers and other patients with respect, try to pay their medical bills, and follow the rules and benefits of their health plan coverage. Having patients involved in their care increases the chance of the best possible outcomes and helps support a high quality, cost-conscious health care system.

Other bills of rights

This bill of rights focuses on hospitals and insurance plans, but there are many others with different focuses. There are special kinds, like the mental health bill of rights, hospice patient's bill of rights, and bills of rights for patients in certain states. Insurance plans sometimes have lists of rights for subscribers. Many of these lists of rights tell you where to go or whom to talk with if you have a problem with your care. The American Hospital Association has a list of rights along with patient responsibilities that can help a person be a more active partner in his or her health care. (See the "Additional resources" section below.)

Health insurance problems

If you have concerns about your insurance, it is sometimes helpful to start with customer service or a case manager at your health insurance company.

PATIENT'S RIGHTS UNDER HIPAA

1. What are the patient's rights under HIPAA?

Under HIPAA, patients have the right to:

- Receive a privacy notice to inform them about how protected information will be used and disclosed;
- Request that uses and disclosure of protected information be restricted (covered entities are not required to always agree to restrictions);
- Inspect, copy and amend their medical records (providers are allowed to charge a reasonable fee for copying expenses);
- Get an accounting of the disclosure of their protected information for the past six years; and
- File a complaint.

2. Can individuals bring a private cause of action against a covered entity?

No. A private cause of action is not authorized by the Rule.

3. Are there other actions an individual can take to file a complaint against a covered entity's failure to comply with the regulation?

Individuals can file a complaint against covered entities that they believe have not complied with the regulation. The complaint should be filed with the U.S. Department of Health and Human Services (DHHS).

The complaint must:

- Be filed within 180 days of when the complainant knew that a violation had occurred (*unless the Secretary of DHHS waives time limit for good cause*);
- Be written and submitted via U.S. postal mail or electronically; and
- Include the name of the covered entity and a description of the alleged relevant violations.

The covered entity must:

- Provide compliant records and compliance reports to DHHS; and
- Cooperate with complaint investigations and compliance reviews.

OTHER RESOURCES

1. Where else can I go to get more information about HIPAA?

- U.S. Department of Health and Human Services, Office for Civil Rights
<http://www.hhs.gov/ocr/hipaa/>
- U.S. Department of Health and Human Services, Administrative Simplification
<http://aspe.hhs.gov/admsimp/Index.htm>