

Patients' Bill of Rights for Hospitals

The Department of Health's Patients' Bill of Rights

is a list of Rights for patients receiving medical care in hospitals in New York, which may be found at:

http://www.health.ny.gov/professionals/patients/patient_rights/

Patients should expect to receive fair treatment and autonomy over their own medical decisions. Below are the Patients' Bill of Rights that links to additional information on the subject, related publications and/or contact information.

For details on Public Health Law, click link below, select "Laws" tab, then select **PBH Public Health**:

<http://public.leginfo.state.ny.us/navigate.cgi>

For NYCRR Title 10 Health Regulations, click:

<https://regs.health.ny.gov/>

Right #1

You have a right to understand and use these rights. If for any reason you do not understand or you need help, the hospital **MUST** provide assistance, including an interpreter.

- See "Your Rights as a Hospital Patient in NYS", Page 4:
http://www.health.ny.gov/professionals/patients/patient_rights/
- See the Patients' Bill of Rights Regulation, Section 405.7(c)(1):
<https://regs.health.ny.gov/content/section-4057-patients-rights>

Right #2

You have a right to receive treatment without discrimination as to race, color, religion, sex, national origin, disability, sexual orientation, source of payment, or age.

- See "Your Rights as a Hospital Patient in NYS", Page 12:
http://www.health.ny.gov/professionals/patients/patient_rights/
- See the Patients' Bill of Rights Regulation, Section 405.7(c)(2):
<https://regs.health.ny.gov/content/section-4057-patients-rights>

Right #3

You have a right to receive considerate and respectful care in a clean and safe environment free of unnecessary restraints.

- See the Patients' Bill of Rights Regulation, Section 405.7(c)(3):
<https://regs.health.ny.gov/content/section-4057-patients-rights>
- See the Federal requirements related to Restraints [**see 482.13(c)(1)**] may be found at:
<https://www.gpo.gov/fdsys/pkg/CFR-2016-title42-vol5/pdf/CFR-2016-title42-vol5-sec482-13.pdf>

Right #4

You have a right to receive emergency care if you need it.

- See the Patients' Bill of Rights Regulation, Section 405.7(c)(4)
<https://regs.health.ny.gov/content/section-4057-patients-rights>
- See the Emergency Services Regulation, Section 405.19:
<https://regs.health.ny.gov/content/section-40519-emergency-services>
- See the Federal law - EMTALA (Emergency Medical Treatment and Labor Act) Requirements:
<https://www.cms.gov/regulations-and-guidance/legislation/emtala/>

Right #5

You have the right to be informed of the name and position of the doctor who will be in charge of your care in the hospital.

- See the Patients' Bill of Rights Regulation, Section 405.7(c)(5):
<https://regs.health.ny.gov/content/section-4057-patients-rights>

Right #6

You have a right to know the names, positions and functions of any hospital staff involved in your care and refuse their treatment, examination or observation.

- See the Patients' Bill of Rights Regulation, Administration, Section 405.3(c)(6):
<https://regs.health.ny.gov/content/section-4053-administration>

Right #7

You have a right to a non-smoking environment.

- See the Patients' Bill of Rights Regulation, Section 405.7(c)(7):
<https://regs.health.ny.gov/content/section-4057-patients-rights>
- See the New York State's Clean Indoor Air Act
https://www.health.ny.gov/prevention/tobacco_control/clean_indoor_air_act/

Right #8

You have a right to receive complete information about your diagnosis, treatment and prognosis.

- See the Patients' Bill of Rights Regulation, Section 405.7(c)(8)
<https://regs.health.ny.gov/content/section-4057-patients-rights>

Right #9

You have a right to receive all the information that you need to give informed consent for any proposed procedure or treatment. This information shall include the possible risks and benefits of the procedure or treatment.

- See the "Your Rights as a Hospital Patient in New York State", Page 20:
http://www.health.ny.gov/professionals/patients/patient_rights/
- See the "Deciding About Health Care Guide": <http://www.health.ny.gov/publications/1503.pdf>
- See the Patients' Bill of Rights Regulation, Section 405.7(c)(9)
<https://regs.health.ny.gov/content/section-4057-patients-rights>

Right #10

You have a right to receive all the information you need to give informed consent for an order not to resuscitate. You also have the right to designate an individual to give this consent for you if you are too ill to do so.

- For additional information, please ask for a copy of the pamphlet "Deciding About Health Care — A Guide for Patients and Families" or link to: <http://www.health.ny.gov/publications/1503.pdf> or see the "Your Rights as a Hospital Patient in NYS", Page 22:
http://www.health.ny.gov/professionals/patients/patient_rights/
- See the Patients' Bill of Rights Regulation, Section 405.7(c)(10)
<https://regs.health.ny.gov/content/section-4057-patients-rights>

Right #11

You have a right to refuse treatment and be told what effect this may have on your health.

- See “Your Rights as a Hospital Patient in NYS”, Page 21:
http://www.health.ny.gov/professionals/patients/patient_rights/
- See the Patients’ Bill of Rights Regulation, Section 405.7(c)(11)
<https://regs.health.ny.gov/content/section-4057-patients-rights>

Right #12

You have a right to refuse to take part in research. In deciding whether or not to participate, you have the right to a full explanation.

- *Note: If you choose to participate in a research study, you will not have access to the **research** records.* For additional information about research studies, please link to: Code of Federal Regulations, Title 45, Part 46 - Protection of Human Subjects:
<https://www.hhs.gov/ohrp/regulations-and-policy/regulations/common-rule/>
- See the Patients’ Bill of Rights Regulation, Section 405.7(c)(12)
<https://regs.health.ny.gov/content/section-4057-patients-rights>

Right #13

You have a right to privacy while in the hospital and confidentiality of all information and records regarding your care.

- See “Your Rights as a Hospital Patient in NYS”, Page 36:
http://www.health.ny.gov/professionals/patients/patient_rights/
- See the Patients’ Bill of Rights Regulation, Section 405.7(c)(13)
<https://regs.health.ny.gov/content/section-4057-patients-rights>

Right #14

You have a right to participate in all decisions about your treatment and discharge from the hospital. The hospital must provide you with a written discharge plan and written description of how you can appeal your discharge.

- See “Your Rights as a Hospital Patient in NYS”, Page 4 of pdf booklet:
http://www.health.ny.gov/professionals/patients/patient_rights/.
- See the Patients’ Bill of Rights Regulation, Section 405.7(c)(14)
<https://regs.health.ny.gov/content/section-4057-patients-rights>
- See the “Your Rights as a Hospital Patient in NYS”, Page 9 if you are a **Medicare patient** and would like to appeal your discharge: http://www.health.ny.gov/professionals/patients/patient_rights/

Right #15

You have a right to identify a caregiver who will be included in your discharge planning and sharing of post-discharge care information or instruction.

- See the Public Health Law (PHL) Article 29-ccc (Care Act)
<http://public.leginfo.state.ny.us/navigate.cgi>
(Click link, select **Laws**, then scroll down to select **PBH Public Health**.)

Right #16

You have a right to review your medical record without charge. Obtain a copy of your medical record for which the hospital can charge a reasonable fee. You cannot be denied a copy solely because you cannot afford to pay.

- See "Your Rights as a Hospital Patient in NYS", Page 7:
- http://www.health.ny.gov/professionals/patients/patient_rights/
- See the Patients' Bill of Rights Regulation, Section 405.7(c)(15)
<https://regs.health.ny.gov/content/section-4057-patients-rights>
- See the "Do I have the Right to See My Medical Records" booklet for additional information:
<http://www.health.ny.gov/publications/1443/>

Right #17

You have a right to receive an itemized bill and explanation of all charges.

- See the Patients' Bill of Rights Regulation, Section 405.7(c)(16)
<https://regs.health.ny.gov/content/section-4057-patients-rights>
- If you believe you were overcharged for or a possible billing dispute, please contact the Office of the Attorney General's Health Care Bureau at **1-800-428-9071**, or click on the following link to complete and file an electronic Health Care Complaint form:
<https://ag.ny.gov/bureau/health-care-bureau>

Right #18

You have a right to view a list of the hospital's standard charges for items and services and the health plans the hospital participates with.

- Link (1) to summary of the Surprise Bills Law; and Link (2) to Section 24 of Public Health Law:
http://www.health.ny.gov/regulations/public_health_law/surprise_bill_law/
<http://public.leginfo.state.ny.us/navigate.cgi>

Right #19

You have a right to challenge an unexpected bill through the Independent Dispute Resolution process.

- See the NYS Department of Financial Services website if you have a billing dispute regarding an out-of-network hospital charge, known as the Surprise Bills Law:
<http://www.dfs.ny.gov/consumer/hprotection.htm>
- Link (1) to summary of Surprise Bills Law and Link (2) to Section 24 of Public Health Law:
http://www.health.ny.gov/regulations/public_health_law/surprise_bill_law/
<http://public.leginfo.state.ny.us/navigate.cgi> select "Laws" tab and then select **PBH Public Health**.

Right #20

You have a right to complain without fear of reprisals about the care and services you are receiving and to have the hospital respond to you and if you request it, a written response.

- See the Patients' Bill of Rights Regulation, Section 405.7(c)(17)
<https://regs.health.ny.gov/content/section-4057-patients-rights>

If you would like to file a complaint with the New York State Department of Health, please visit our website via the link below for instructions on how to submit your complaint form, or call the toll-free number at **1-800-804-5447** and someone will assist you.

http://www.health.ny.gov/facilities/hospital/complaint/complaint_form.htm

Right #21

You have a right to authorize those family members and other adults who will be given priority to visit consistent with your ability to receive visitors.

- See the Patients' Bill of Rights Regulation, Section 405.7(c)(18)
<https://regs.health.ny.gov/content/section-4057-patients-rights>

Right #22

You have a right to make known your wishes in regard to anatomical gifts. You may document your wishes in your health care proxy or on a donor card, available from the hospital.

- To prepare your personal Health Care Proxy:
http://www.health.ny.gov/professionals/patients/health_care_proxy/
- See "Your Rights as a Hospital Patient in NYS", or Page 30:
http://www.health.ny.gov/professionals/patients/patient_rights/
- See the Patients' Bill of Rights NYS Regulation, Section 405.7(c)(19):
<https://regs.health.ny.gov/content/section-4057-patients-rights>
- Sign up to donate organ(s) by enrolling in the Donate Life Registry:
<http://www.health.ny.gov/professionals/patients/donation/organ/>