

**This brochure courtesy of Legal Services of Northern Virginia. If you have questions about this material or this subject, we would like to hear from you. [Send us e-mail](#) or call at 703-778-6800.**

## **PATIENT RIGHTS**

As Medicare patients, you have rights that the federal government requires hospitals to observe. You should know about these rights and know what to do if a hospital does not observe them.

### **WHAT IS REQUIRED UPON ADMISSION TO A HOSPITAL?**

The law requires that hospitals give a Discharge Procedure Information Form upon admission to all Medicare patients. This form:

- a. states that a patient's discharge date should be determined by medical needs and not by Medicare payments;
- b. informs the patient of his/her right to appeal discharge while in the hospital if the patient feels he/she is being asked to leave the hospital too soon;
- c. gives information necessary to make this appeal.

### **WHAT IS A NOTICE OF NON-COVERAGE?**

The hospital is required to give a denial notice if it is determined that a patient no longer requires inpatient care and the attending physician agrees.

- a. The denial notice does not mean you must leave the hospital. It only means that Medicare will not continue coverage.
- b. The denial notice must be given to the patient and not to the patient's next of kin unless the patient is expected not to understand the notice.
- c. The denial notice must be in writing and must inform you of your right to appeal the hospital's determination.
- d. The patient can request that the Peer Review Organization (PRO) review the hospital decision. You cannot be made to pay for your hospital care until the PRO makes its decision. You must make your request to the PRO for a review by noon of the first working day after you receive the notice. You can do this by phone or in writing.
- e. If the Peer Review Organization upholds the hospital's decision, the patient is entitled to Reconsideration by the PRO if a written request is submitted within 60 days.

f. The hospital may not charge you if you continue to stay unless a written denial notice is provided.

### **WHAT IS DISCHARGE PLANNING?**

A Medicare patient has the right to a discharge plan or discharge planning services if it is likely that the patient will suffer adverse health consequences without such planning.

- a. The hospital must provide a discharge plan for patients identified above and for other patients upon request.
- b. The discharge plan must include provision for the patient's likely need for appropriate post\_hospital services and the availability of those services. Post\_hospital services include home health care.
- c. The discharge plan must be developed under the supervision of a registered nurse, social worker or other qualified personnel and discussed with the patient (or the patient's representative).
- d. Only a physician can request that a discharge plan be developed and implemented, therefore it is important to discuss your discharge plan with your physician.

### **HOW DO I PROTECT MY RIGHTS?**

Remember to read carefully all hospital documents that claim to explain your Medicare rights.

Do not allow a relative or third person to sign any guarantee of payment to the hospital on your behalf.

All documents should be given to you for your review.

Question your doctors, nurses, social workers, and other health care providers about the care and service you will need after you leave the hospital.

Request discharge planning services as early as possible.

If you feel you are being asked to leave the hospital too soon it may help to complain to the hospital administration about the hospital's failure to provide adequate discharge planning.

### **ASIDE FROM MY RIGHTS TO DISCHARGE PLANNING, DO I HAVE ANY OTHER RIGHTS AS A HOSPITAL PATIENT?**

Yes, whether you are a Medicare patient or not, everyone has some basic rights as hospital patients. Some of these rights include:

- a. The right to receive accurate and complete information regarding your diagnosis, treatment and prognosis. The information must be expressed in terms you can understand.

b. The hospital must get your informed consent prior to any procedure or treatment you receive. Informed consent means that you understand why a particular procedure or treatment is being performed and that you are aware of and understand all possible risks and benefits associated with it.

c. The right to refuse any treatments offered to you. If you decide to refuse treatment you must be informed of the potential consequences and effects refusing treatment may have on your health.

d. The right to request a second opinion from another physician.

e. The right to leave the hospital against medical advice. You may leave the hospital at any time even if your doctor advises you to stay for a longer period of time. If you wish to leave against medical advice, however, you must receive information as to the consequences and potential adverse effects of doing so. You will also be required to sign a form relieving the hospital of liability if you do leave.

f. The right to refuse to participate in research. Many hospitals are involved in research projects, especially university or teaching hospitals. Sometimes this research involves treating patients with new or unconventional treatments or procedure. You are not required to participate in medical research and have a right to refuse to take part in medical research. If you do chose to participate you must give informed consent and may refuse to continue to participate at any time.

g. The right to have all information and records related to your care kept confidential. You also have the right to put limits on those persons who may visit you while you are hospitalized.

h. The right to examine your hospital bill and receive an explanation of the charges.

i. The right to make Advance Medical Directives and have your choices regarding medical treatment honored by the hospital staff. Upon admission, the hospital is required to ask you if you have made Advance Directives and if you have not must give you the opportunity to make them. An Advance Directive is a statement that makes your choices about medical treatment known in advance of an incapacitating illness. You may also name someone to make decisions for you should you become incapable of deciding for yourself. For more information about Advance Directives in Virginia contact the Legal Services branch near you to obtain a brochure on Advance Directives.

If you feel that:

a. You have been discharged from a Medicare hospital 1) too soon or 2) without the necessary post\_hospital services having been arranged; OR

b. Your rights as a hospital patient have been violated; you should contact the Legal Services branch office near you. The telephone numbers are listed below. (update 1997)

IMPORTANT

Everyone's situation is different and most every rule has exceptions. The information above is intended only for general informational purposes in the State of Virginia. It may not apply to your individual situation. Therefore, it is advisable to discuss your particular situation with a lawyer.

If you need legal help, call the Legal Services Branch that serves the city or county in which you live to make an appointment. To be helped by Legal Services, you must meet financial eligibility requirements. These guidelines will be explained to you when you call.

MAIN OFFICE (FALLS CHURCH OFFICE)	703-778-6800
ALEXANDRIA OFFICE	703-684-5566
ARLINGTON OFFICE	703-532-3733
FAIRFAX OFFICE	703-246-4500
LOUDOUN OFFICE (IN LEESBURG)	703-777-7450
MANASSAS OFFICE	703-368-5711

LAWYER REFERRAL SERVICES

For a small fee you can have a half hour appointment with an attorney, call:

Alexandria	703-548-1105
Arlington	703-228-3390
Fairfax	703-246-3780
Statewide	800-552-7977
Services are available for the hearing impaired by calling:	800-828-1140

Phone numbers updated February 2005