

# GUIDE TO YOUR HEALTH CARE RIGHTS & OPTIONS

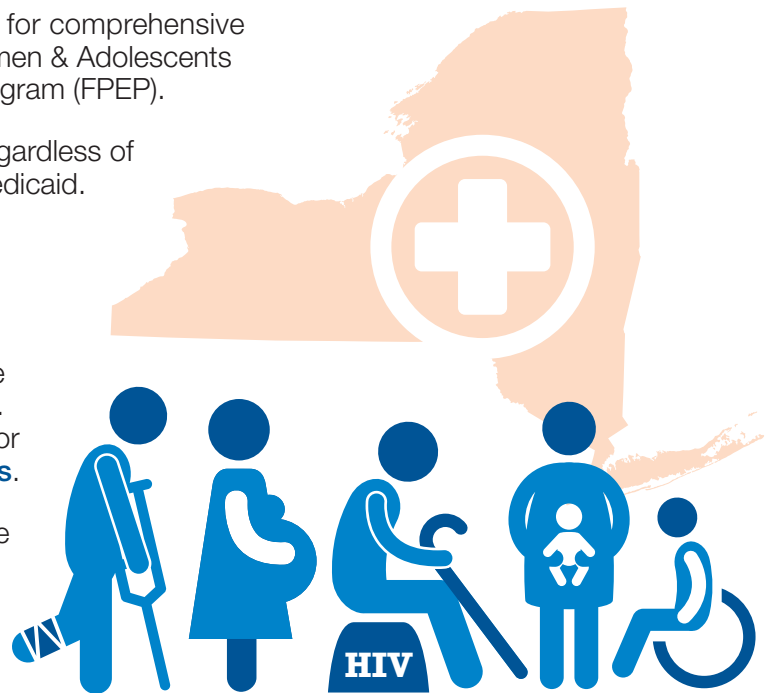


# RIGHTS & OPTIONS FOR THE UNINSURED

## WHAT SHOULD YOU KNOW?

NEW YORKERS WITHOUT DOCUMENTS ARE NOT ELIGIBLE FOR MOST HEALTH INSURANCE **BUT THE FOLLOWING OPTIONS ARE AVAILABLE NO MATTER YOUR IMMIGRATION STATUS:**

- **In cases of emergency**, Emergency Medicaid covers emergency care for low-income New Yorkers who are not eligible for Medicaid because of their immigration status.
- **Undocumented pregnant women** are also eligible for comprehensive coverage & care through Medicaid for Pregnant Women & Adolescents (formerly PCAP) & the Family Planning Extension Program (FPEP).
- **Children under age 19** can get Child Health Plus regardless of immigration status & even if he or she cannot get Medicaid.
- **Persons living with HIV/AIDS** can access the AIDS Drug Assistance Program (ADAP).
- **FREE Breast, Cervical & Colorectal Cancer screening** for eligible New Yorkers without insurance or with insurance that does not cover these services. Please call **1-866-442-CANCER** (1-866-442-2262) or visit: [www.health.ny.gov/diseases/cancer/services](http://www.health.ny.gov/diseases/cancer/services).
- **For non-emergency care**, New Yorkers who have no documents can use HHC Options, a plan from Health & Hospitals (the public hospital system) that sets affordable payments based on your income. *Please note this is not insurance.*



## PROVIDERS CAN'T TURN YOU AWAY

PUBLIC HOSPITALS & COMMUNITY HEALTH CENTERS ARE REQUIRED TO PROVIDE SERVICES EVEN IF THE PERSON CANNOT PAY THE FULL COST OF CARE.

**PUBLIC HOSPITALS** (Health + Hospitals)  
To find a public hospital near you,  
CALL 311 or  
[www.nychealthandhospitals.org/contact](http://www.nychealthandhospitals.org/contact)



**COMMUNITY HEALTH CENTERS**  
To find a community health center near you,  
CALL 212.279.9686 or  
[www.chcanys.org](http://www.chcanys.org)

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# WHAT TO DO IF I HAVE A MEDICAL EMERGENCY

## WHAT SHOULD YOU KNOW?

YOU HAVE THE RIGHT TO CALL 911 FOR AN AMBULANCE & BE TAKEN TO THE HOSPITAL FOR EMERGENCY MEDICAL CARE, ***EVEN IF YOU DO NOT HAVE INSURANCE OR DOCUMENTS.***

- EMS workers do not have the right to ask your immigration status nor can they report your immigration status to any government authorities without your permission.



- There is a city law that directs city employees to protect confidential information, including immigration status, regarding people seeking city services, including services provided by our city's public hospital system (Health + Hospitals).



### WHERE WILL THE AMBULANCE TAKE YOU?

The ambulance must take you to the nearest hospital that is capable of providing care.



### CAN YOU ASK TO BE TAKEN TO A PARTICULAR HOSPITAL?

**YES! EMS has a "Ten Minute Rule."** You can ask to be taken to a hospital if it is *not more than ten minutes past* where you would have been taken to.



### CALL COMMUNITY HEALTH ADVOCATES AT 888.614.5400

For help answering questions about emergency medical care & troubleshooting potential problems with medical bills arising from ER care.

### CAN AN EMERGENCY ROOM REFUSE TO TREAT ME IF I AM UNINSURED?

No, federal & state laws protect all patients who need emergency care.



- **Emergency Medical Treatment & Active Labor Act (EMTALA)** protects your right to be treated & stabilized when you need emergency medical attention.

- **Emergency Medical Services Reform Act (EMSRA)** is a New York State law that prevents hospitals from inappropriately dumping or transferring patients.

### THE HOSPITAL:

- must provide you with the same screening & treatment that it would for anyone with the same symptoms.
- cannot transfer you to another hospital. You have to be stabilized—meaning lessen the possibility of your conditions worsening.

**YOU HAVE THE RIGHT TO REFUSE TREATMENT** but only after the hospital has informed you of the risks & benefits of the treatment & examination

## WE CAN ALSO HELP YOU

# YOUR RIGHTS TO HEALTH CARE ACCESS IN YOUR LANGUAGE

## WHAT SHOULD YOU KNOW?

ALL NEW YORKERS HAVE A RIGHT TO COMMUNICATE IN THEIR OWN LANGUAGE.

### SINCE 2006, NEW YORK STATE AFFIRMS YOUR RIGHT:

- If you do not speak English, or if you better understand another language, you have the right to get free help from an interpreter when you visit the hospital, community health centers, clinics, & Medicaid or other public benefits offices.
- People with problems with their vision, hearing or speech have the right to free interpretation & translation services.
- You should be provided an interpreter in 20 minutes or less in the hospital, & in 10 minutes or less in the Emergency Room.
- Hospitals are not allowed to use a patient's family, friends, or people who do not work for the hospital for interpretation, unless the patient wants their help.
- You have the right to say no to the use of an interpreter from the hospital, but a person acting as an interpreter must be at least 16 years of age.



### WHAT SHOULD YOU LOOK OUT FOR & ASK?

- Make sure the provider puts in your medical chart your preferred language & language needs.
- Make sure documents given to you are translated into your language.
- Information must be given to you about free language assistance.



### WHAT CAN YOU DO, IF YOU HAVE A PROBLEM?

Ask to speak to a hospital administrator. If that does not work, **you should make a complaint.**

FOR HELP WITH THE COMPLAINT CALL:

**COMMISSION ON THE  
PUBLIC'S HEALTH SYSTEM  
646.325.5317**

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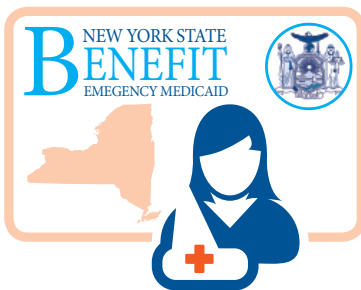
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# EMERGENCY MEDICAID

IMMIGRANTS WITHOUT DOCUMENTS CAN RECEIVE “EMERGENCY MEDICAID” FOR THE TREATMENT OF AN **EMERGENCY MEDICAL CONDITION**.\*

*\*But usually NOT eligible for full coverage or ongoing insurance coverage through Medicaid.*

**YOUR IMMIGRATION STATUS WILL NOT BE AFFECTED IF YOU APPLY**

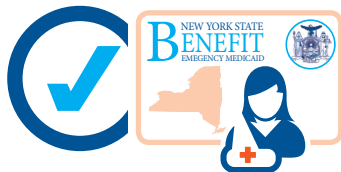


## HOW DO I KNOW I CAN GET EMERGENCY MEDICAID?

TO GET EMERGENCY MEDICAID, YOU MUST:

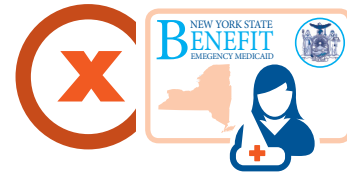
- ✓ Meet the income requirements
- ✓ Be a NYS Resident

## NOT ALL SERIOUS INJURIES OR ILLNESSES ARE CONSIDERED EMERGENCY MEDICAL CONDITIONS UNDER THE LAW!



EXAMPLES THAT EMERGENCY MEDICAID  
**MAY** COVER UNDER THE LAW:

- ASTHMA ATTACKS
- CANCER
- STROKE
- COMA
- HEAD INJURY
- SEIZURES
- SEVERE INFECTIONS
- HEART, LIVER OR RENAL FAILURE
- LABOR & DELIVERY THAT POSE A THREAT TO MOTHER & UNBORN CHILD



EXAMPLES THAT EMERGENCY MEDICAID  
**MAY NOT** COVER UNDER THE LAW:

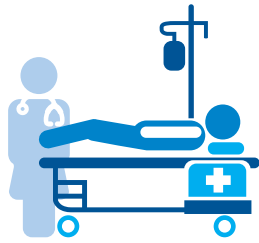
- TRANSPLANT-RELATED SERVICES (I.E. ORGANS)
- CERTAIN MEDICATIONS REGARDLESS OF WHERE THE PRESCRIPTION IS OBTAINED (I.E. EMERGENCY ROOM)

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# EMERGENCY MEDICAID



**GO TO AN EMERGENCY ROOM OR CLINIC FOR AN INJURY OR ILLNESS!**

**A DOCTOR MUST DETERMINE IF YOUR ILLNESS OR INJURY WAS AN EMERGENCY MEDICAL CONDITION.**

An individual has an “emergency medical condition” when there are severe symptoms, like bad pain, or if your health, organs, or body parts would be seriously harmed without immediate medical attention.

**SIGN UP AS SOON AS POSSIBLE BECAUSE:**

- You **ONLY** have **within 3 months** of the emergency treatment to cover the cost
- Emergency Medicaid will only pay for costs from the time of the first treatment for the emergency condition until it is no longer an emergency. For pregnant women, Emergency Medicaid will pay for the cost of the delivery.

## WHAT ELSE SHOULD I KNOW?

Applicant must complete Emergency Medicaid application to prove financial eligibility every year



There is a different application for people **65 or older**, or **have a disability**



## FOR HELP WITH YOUR EMERGENCY MEDICAID APPLICATION CONTACT:

- Hospital staff or social services that process Medicaid applications.
- **IF YOU ARE UNINSURED** see a Certified Application Counselor or Navigator who can confirm that you don't qualify for insurance & then pre-certify you for Emergency Medicaid.

**Call 311 OR TEXT GetCoveredNYC (orSeguroNYC) at 877877** to find the nearest community based navigator.

**YOU HAVE A RIGHT TO BE TREATED & STABILIZED WHEN YOU NEED EMERGENCY MEDICAL ATTENTION!, REGARDLESS OF YOUR ABILITY TO PAY!**

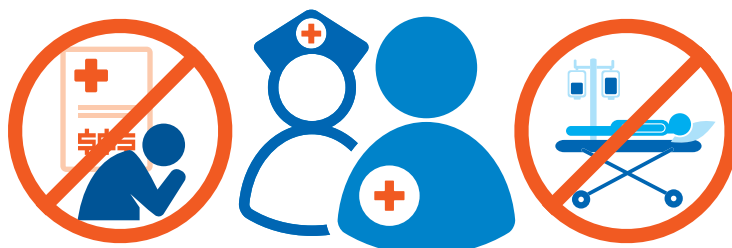
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# PROTECTIONS & OPTIONS FOR PAYING HOSPITAL BILLS

ALL NEW YORKERS HAVE THE RIGHT TO EMERGENCY & NON-EMERGENCY MEDICAL TREATMENT.

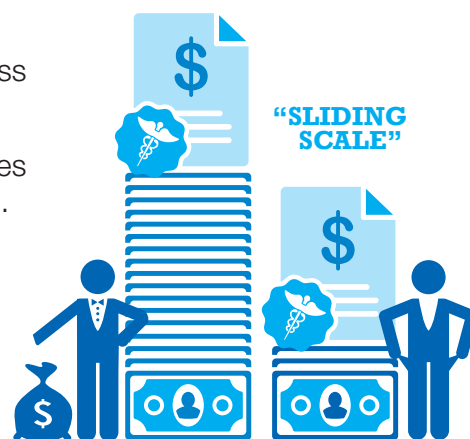


All hospitals in New York State must make financial assistance available to people with no health insurance or under-insured regardless of their immigration status (also known as a Charity Care Policy).

All hospitals must offer care at a reduced rate to individuals & families who qualify for financial assistance. This is called a “sliding fee scale”.

For non-emergency care, New Yorkers who have no documents can use HHC Options, a plan from Health & Hospitals (the public hospital system) that sets affordable payments based on your income. Please note this is not insurance.

- The program cannot be used outside of NYC Health + Hospitals.



YOU WILL GET A BILL BUT IT CAN BE REDUCED ACCORDING TO THE HOSPITAL CHARITY CARE POLICY

## MORE PROTECTIONS IF THE HOSPITAL GOES AFTER YOU FOR PAYMENT

- If you were eligible for Medicaid at the time that services were provided, you should not owe anything.
- A collections agency hired by the hospital should follow the hospital's charity care policy & provide information on how to apply for financial assistance.
- You must be notified at least 30 days before going to a collection agency. Don't be afraid to call the hospital or collections agency if you get a letter & ask for financial assistance.
- The hospital or collections agency may NOT force the sale or foreclosure of your primary residence to collect payment.



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WE CAN ALSO HELP YOU

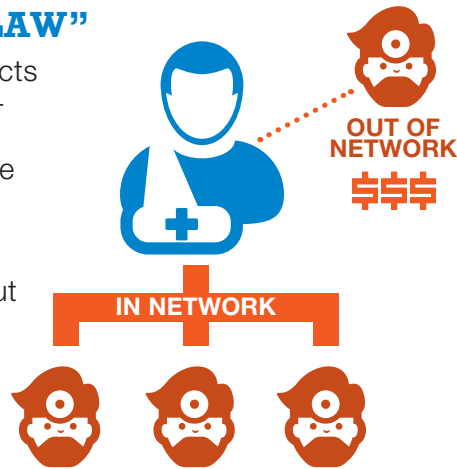
# PROTECTIONS & OPTIONS FOR PAYING HOSPITAL BILLS

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## “THE SURPRISE LAW”

Is a state law that protects you from bills for out-of-network services & treatment- including some emergency services.

You had to be unaware that the provider was out of network or referred to an out of network provider without your knowledge or consent.



## WHAT YOU NEED TO KNOW

- If you are uninsured, you may be able to dispute out of network “surprise” bills through a formal dispute resolution process.
- The law only applies to bills for dates of services after March 31, 2015.

**IF YOU THINK YOU MAY HAVE RECEIVED A SURPRISE BILL, YOU CAN GET HELP FROM COMMUNITY HEALTH ADVOCATES HOTLINE**

**888.614.5400**

## WHAT SHOULD YOU KNOW & LOOK OUT FOR?



If you are low-income & uninsured & you are receiving inpatient care, the hospital is required to talk to you about applying for Medicaid. If the hospital does not ask you, or help you apply for Medicaid, you may not have to pay the bill.



To apply for public health insurance, or to be placed on a feou will need to complete the necessary application form at the hospital you are planning to get health care services from.



The hospital must let you know about their sliding fee scale during intake, Information must also be written on your bill if you get one.



You can ask for the hospital’s sliding fee scale policy & a copy of the charity care policy & form. Each hospital’s charity care policy is different.



Sliding fee scale policy notices must be posted around the hospital.



The hospital cannot delay screening a patient in an emergency room to ask about your ability to pay for the service.



Private doctor offices do NOT have to have sliding fee scale policies.

## WE CAN ALSO HELP YOU