



PATIENT RIGHTS

Many times just knowing your patient rights can make your experience in the health care setting, especially the emergency department, a little less daunting. Having clear expectations of your rights and responsibilities and approaching things in a non-confrontational manner can make things run much smoother. Educate yourself on your patient rights and help to spread the word. The more families of autistic patients and autistic patients themselves that start to advocate for their rights during health care delivery, the better the experience and the better the clinical outcomes. Visit the Joint Commission's (JCAHO) website for a free downloadable pamphlet in both English and Spanish; keep one with you or in your health history information.

The following are every patient's rights:

- You have the right to be informed about the care you will receive.
- You have the right to get important information about your care in your preferred language.
- You have the right to get information in a manner that meets your needs, if you have vision, speech, hearing or mental impairments.
- You have the right to make decisions about your care.
- You have the right to refuse care.
- You have the right to know the names of the caregivers who treat you.
- You have the right to safe care.
- You have a right to have your pain addressed.
- You have the right to care that is free from discrimination. This means you should not be treated differently because of:
 - age
 - race
 - ethnicity
 - religion
 - culture
 - language
 - physical or mental disability
 - socioeconomic status
 - sex
 - sexual orientation
 - gender identity or expression
- You have the right to know when something goes wrong with your care.
- You have the right to get a list of all your current medicines.
- You have the right to be listened to.
- You have the right to be treated with courtesy and respect.
- You have the right to have a personal representative, also called an advocate, with you during your care. Your advocate is a family member or friend of your choice.

[http://www.jointcommission.org/Speak Up Know Your Rights/](http://www.jointcommission.org/Speak_Up_Know_Your_Rights/)



ALEX SPOURDALAKIS

When AIM was contacted about Alex, February 24th, 2013, he had already been held in the Emergency Department for ten days. He was stranded there and no other hospital would accept him. It was another four days before he was finally transferred to a hospital with appropriate physicians, and the capability to care for him.

Unfortunately, when he arrived, he still did not receive anything resembling appropriate medical treatment. He was held in the Emergency Department for a total of fourteen days, not admitted to a hospital room, and unable to be transferred to any other facility. Sadly for Alex, his transfer was “blocked” by the receiving hospital while he lay tied to his bed in the Emergency Department and his mother slept on the floor. The staff was acutely aware they were unable to provide a safe and secure area for him.

With transfers denied and nowhere to turn Alex remained **restrained** the entire stay in the emergency room. He was not allowed a typical “room”, instead a thin curtain was provided to allow for “privacy” and a means to separate him from the rest of the ER.

All of these things were in clear violation of his **patient rights**. It was also a violation of **EMTALA**.

EMTALA

“Emergency Medical Treatment & Labor Act (EMTALA)

In 1986, Congress enacted the Emergency Medical Treatment & Labor Act (EMTALA) to ensure public access to emergency services regardless of ability to pay. Section 1867 of the Social Security Act imposes specific obligations on Medicare-participating hospitals that offer emergency services to provide a medical screening examination (MSE) when a request is made for examination or treatment for an emergency medical condition (EMC), including active labor, regardless of an individual's ability to pay. Hospitals are then required to provide stabilizing treatment for patients with EMCs. If a hospital is unable to stabilize a patient within its capability or if the patient requests, an appropriate transfer should be implemented.”

<https://www.cms.gov/Regulations-and-Guidance/Legislation/EMTALA/index.html?redirect=/EMTALA/>

For additional information about EMTALA please visit: <http://www.emtala.com/>