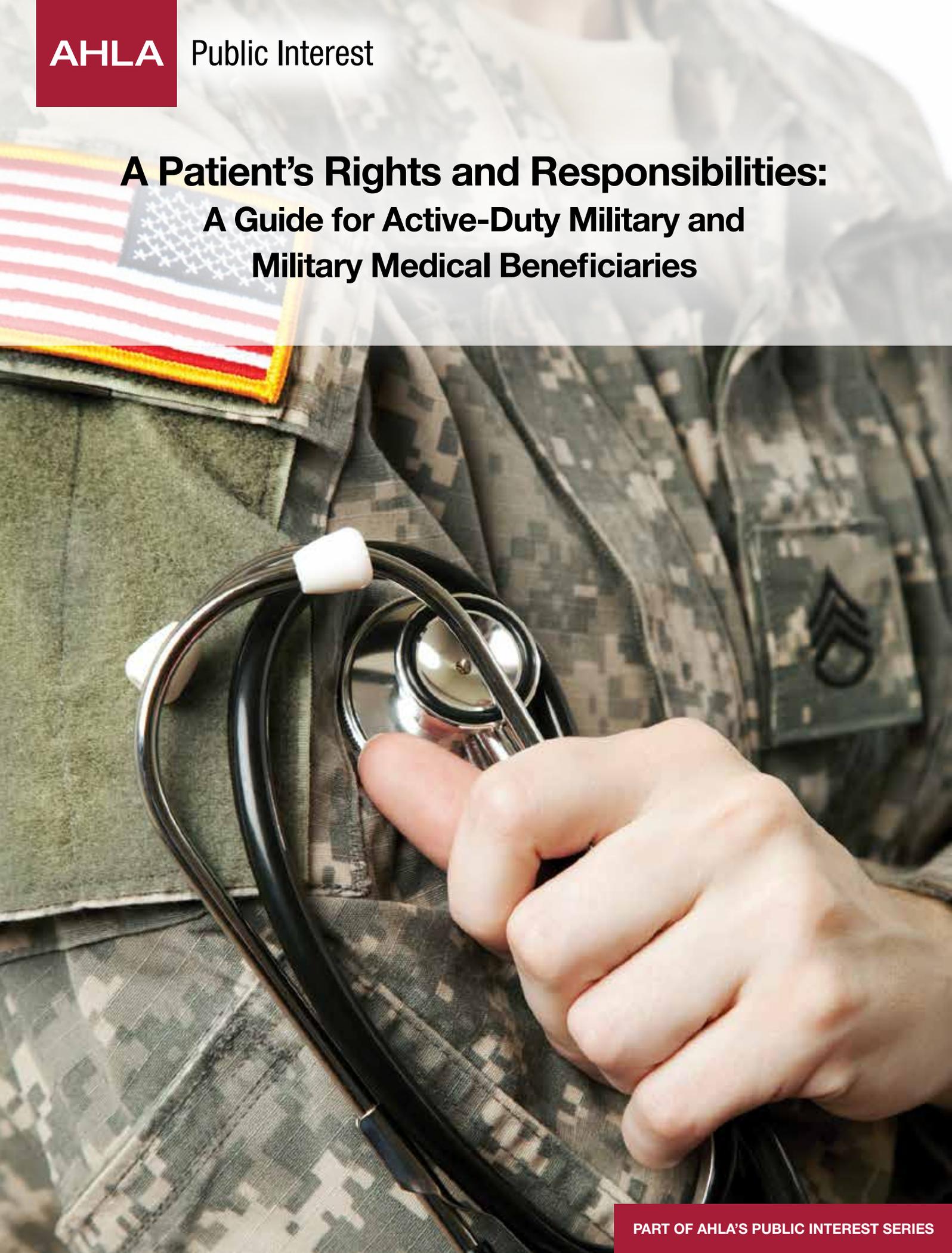


A Patient's Rights and Responsibilities: A Guide for Active-Duty Military and Military Medical Beneficiaries



The American Health Lawyers Association is grateful to the following individuals for their contributions to this publication.

Joseph B. Topinka (Cochair)
Universal City, Texas

Teresa A. Williams (Cochair)
INTEGRIS Health
Oklahoma City, Oklahoma

Marta J. Hoffman
Plunkett Cooney
Bloomfield Hill, Michigan

Kara F. Morse
Stoel Rives, LLP
Seattle, Washington

Jamie M. Rotter-Wilke
Hospital Sisters Health System
Belleville, Illinois

© 2016 by American Health Lawyers Association

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system or transmitted in any form or by any means, electronic, mechanical, photocopying, recording or otherwise, without the express written permission of the publisher. Provided, however, that this publication may be reproduced in part or in whole without permission from the publisher for noncommercial educational purposes designed to improve health in communities and increase access to health care or improve the quality or maintain the cost of health care services. Any such community benefit distribution must be without charge to recipients and must include an attribution to American Health Lawyers Association as follows:

“Copyright © 2016 by the American Health Lawyers Association and reproduced for the benefit of and to promote the health of the community served by the distributing organization.”

This guidebook can be downloaded for free at www.healthlawyers.org/Military
American Health Lawyers Association
1620 Eye Street, NW, 6th Floor
Washington, DC 20006
202-833-1100
www.healthlawyers.org
www.healthlawyers.org/PublicInterest

This publication is designed to provide accurate and authoritative information in regard to the subject matter covered. It is provided with the understanding that the publisher is not engaged in rendering legal or other professional services. If legal advice or other expert assistance is required, the services of a competent professional person should be sought.
—From a declaration of the American Bar Association



A Patient's Rights and Responsibilities:

A Guide for Active-Duty Military and Military Medical Beneficiaries

Introduction

Effective health care requires open and honest communication between you and your health care provider. As a military medical beneficiary, you have specific rights when you are treated at a military treatment facility or a nonmilitary facility. At the same time, the medical facility has the right to expect reasonable and responsible behavior from you and your visitors.

Most medical facilities provide patients with a brochure that briefly explains a patient's rights and responsibilities. These rights and responsibilities are based on U.S. Department of Defense guidelines for military treatment facilities, the Joint Commission's standards for accrediting and certifying health care organizations and programs, and applicable state and federal laws. While each medical facility's educational brochure on patients' rights may vary, this resource attempts to provide a comprehensive summary of your most common rights and responsibilities to help you better understand the scope and limitations of your rights when you receive medical care as a military medical beneficiary.

Your rights as the patient

Right to medical care

You have the right to receive considerate, nondiscriminatory treatment and health care regardless of race, color, national origin, religion, sex, sexual orientation, mental or physical disability, age, gender identity or gender expression, and socioeconomic status. You have the right to expect that the medical facility will provide medical care within the scope of its available resources—including emergency services, access to specialty care, and pain assessment and management—and in accordance with generally accepted medical standards. You have the right to consult with a specialist at your own request. You may not be subjected to medically-unnecessary restraint or seclusion.

Right to information

You have the right to be informed about the care you will receive, including information about your diagnosis, treatment procedures, risks involved, medically-reasonable alternatives and the prognosis of your illness or injury, in a language you can understand. You should also have the opportunity to discuss your care and request additional information about your treatment. Any discussions about your case, consultations related to your treatment, examinations and the treatments themselves are considered confidential. If you need interpreters or translation services to understand the information due to a vision, speech, hearing or mental impairment, you have the right to have those services. If your physician believes that some information would be detrimental to your health or beyond your ability to understand, the physician may provide the information to your next of kin or legal guardian. You have the right to choose and know the names and roles of health care providers who are primarily responsible for your care, as well as when those involved are students, residents or other trainees. In certain nonmilitary facilities where physicians may have an ownership interest in the facility, you have the right to know about the ownership relationship between the facility and health care provider, as that may influence your treatment and care.

Right to participate in your treatment decisions

You have the right to make decisions about your plan of care before and during the course of treatment and to give or withhold your informed consent to any proposed treatment or intervention. If you do not understand any of the clinical terms used to describe your condition or treatment, you should ask your health care provider to explain them. You should be aware of complications, risks, benefits, possible length of recuperation and medically-reasonable alternative treatments to help you make decisions about your treatment plan. You have the right to refuse treatment to the extent permitted by law. If you refuse treatment you have the right to be informed about

You have the right to choose and know the names and roles of health care providers who are primarily responsible for your care.

You should be free to voice complaints to the military treatment facility patient relations representative or to the patient relations office without fear of intimidation, harassment, threat or penalty.

the medical and administrative consequences of your refusal. You have the right to exclude any or all family members from participating in your health care decisions. You have the right to expect that the medical facility will, within its capacity, make reasonable responses to your requests for medical care. However, you do not have the right to treatment or services that are inappropriate or medically unnecessary. You also have the right to expect continuity of care and to be involved in your discharge planning. When medically permissible, you may be transferred to another military treatment facility or facility after your physician explains the reasons for and any alternatives to the transfer.

Right to respectful care

You have the right to receive care that is considerate and respectful to your personal dignity, psychosocial, spiritual and cultural values, and belief system. You have the right to be heard and treated with courtesy and respect.

Right to privacy and security of information

As a patient, you have the right to talk confidentially to your health care providers and the right to receive the medical facility's notice of privacy practices. Pursuant to federal and state law and military regulations, medical facilities are required to protect the privacy of your personal health information and implement reasonable safeguards to ensure the confidentiality, integrity and availability of your protected health information. You have the right to access your medical records and—within the confines of applicable state law, third-party contractual arrangements and pursuant to your health care provider's applicable policies—the right to request clarifications or changes regarding the information in your records. You also have the right to restrict the use of your protected health information and to be informed of privacy breaches

to the extent permitted by federal and state law and your health care provider's policies. All medical records documenting care provided by a military treatment facility are property of the U.S. government. Likewise, medical records maintained by a nonmilitary facility belong to that facility. However, you have the right to access or request a copy of your medical records.

Right to a safe environment

The Department of Defense Patient Bill of Rights and Responsibilities in the Military Health System (Department of Defense Instruction 6000.14, Sept. 26, 2011, incorporating change 1 effective Oct. 3, 2013) provides that patients in the Military Health System have the right to receive care and treatment in a safe environment. This means that military treatment facilities should keep you safe from preventable physical and psychological harm, such as falls, infections and medication errors.

Right to complain

As a patient, you have the right to a fair and efficient process for resolving complaints related to your care or experience in a military treatment facility. You should be free to voice complaints to the military treatment facility patient relations representative or to the patient relations office without fear of intimidation, harassment, threat or penalty. Information about the process should be made available to you upon request. You also have the right to receive prompt resolution of complaints or grievances. If your health care provider does not resolve your complaint or grievance to your satisfaction, you have the right to report your complaint to your health care provider's accrediting agency, the Joint Commission, at 800-994-6610 or at www.thejointcommission.org.

Advance directives and durable powers of attorney

Your advance directive (such as a living will, health care proxy or durable power of attorney for health care) must be honored by the medical facility to the extent permitted by law. The facility may ask to include a copy of your advance directive in your medical record, so they can review the document to determine if there are any provisions that would limit the facility's ability to implement your advance directive. For more information, the American Health Lawyers Association offers a publication entitled, "Making Your Health Care Wishes Known Through an Advance Directive: A Guide for Active Military and Their Beneficiaries," at www.healthlawyers.org/military.



Your responsibilities as the patient

Provide accurate and complete information about your health

To the best of your ability, you should provide accurate and complete information about your health, including past illnesses, hospitalizations, recent changes in your condition, medications you are or have been taking and if you have an advance directive. Talk to your health care provider about what you want from your patient experience and ask questions to help you understand the diagnosis and treatment plan. Advise your health care providers about any changes to your condition.

Be knowledgeable about TRICARE

You have the responsibility to be knowledgeable about TRICARE coverage and program options, including covered benefits, limitations, exclusions, rules regarding use of network providers, coverage and referral rules, appropriate processes to secure additional information and the appeals, claims and grievance process.

Follow through with your medical care

Follow through on the treatment plan developed by you and your health care provider. Cooperate with facility staff and ask questions if you do not understand instructions.

If you refuse treatment

If you refuse treatment, fail to follow the health care provider's instructions regarding your care or leave the medical facility against medical advice, you will be responsible for your actions. However, the health care provider and facility should inform you about the potential consequences of your decision to refuse treatment. Most facilities will ask you to sign a form noting that you are leaving or refusing treatment against medical advice.

Obey facility rules and regulations

Follow the facility's rules and regulations governing patient care and conduct, including appearing for scheduled appointments on time and providing advance notice to cancel or reschedule. You have the right to request a copy of the facility's rules and regulations at any time.

Be respectful and considerate

Act respectfully toward others, including health care workers and the facility itself, by maintaining a quiet

Your advance directive (such as a living will, health care proxy or durable power of attorney for health care) must be honored by the medical facility to the extent permitted by law.

environment and respecting the rights of other patients, especially when it comes to noise levels and visitors. The facility may restrict visiting hours for a number of reasons including, but not limited to, a particular visitor's history of inappropriate, abusive or threatening behavior; violation of smoking, alcohol or drug policies; interference with care by visitors; excessive number of visitors; a pandemic or infectious disease outbreak; or another patient in your shared area needing privacy or rest.

Health care charges

Provide the facility with the information it needs regarding your insurance coverage so your financial obligations to the facility can be resolved in a timely manner. Work with the facility's account representatives to make payment arrangements if you are unable to pay your bills promptly. If you wish to dispute any claims decisions, follow the appropriate claims process.

Conclusion

Being a well-informed patient, participating in your treatment decisions and communicating openly with your health care providers will impact the effectiveness of the care you receive, as well as your satisfaction level with your experience. Refer to the Department of Defense Patient Bill of Rights and Responsibilities in the Military Health System for more information, available at www.dtic.mil/whs/directives/corres/pdf/600014p.pdf.



American Health Lawyers Association
1620 Eye Street, NW, 6th Floor • Washington, DC 20006-4010
202-833-1100 • Fax 202-833-1105 • www.healthlawyers.org/publicinterest