



COMMISSION ON THE PUBLIC'S HEALTH SYSTEM

45 CLINTON STREET, NEW YORK, NY 10002
212-246-0803 www.cphsnyc.org

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HOW TO HELP THE UNINSURED

Even people without health insurance have some rights to health care services. There are also some providers that have a legal mission to provide care regardless of the person's ability to pay. Some people are actually eligible for public health insurance coverage and either don't know that they are eligible, or don't know how to apply. For those who are eligible for any programs, there are some rights. **These rights are also for people who are immigrants, whether they are here with documents or are undocumented.**

There are six flyers attached that explain some of the rights that people have – including people who have no health insurance – in getting health care services. Each flyer also tells you where you can call or write to file a complaint if you think your rights are violated. These flyers include:

1. Getting to the hospital – Emergency Medical Services.
2. Getting treated in the Emergency Room.
3. Hospital Billing
4. Access to Health Care in Your Language
5. Safety Net Health Care Providers
6. Patients Rights & Hill-Burton



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How to Help the Uninsured – Getting to the Hospital

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***One of the important rights that all New York City residents have is to call an ambulance, when needed, and be taken to the hospital. Call 911!**

Anyone should call an ambulance, or have someone call an ambulance for them, when they have an emergency medical condition. Some examples of an emergency are: chest pains, trouble breathing, lots of bleeding, other bad pain, and feeling very dizzy. You will get a bill for the ambulance service, if you do not have insurance that covers that service. But do call if you think you have an emergency.

The Fire Department of the City of New York runs the Emergency Medical Service (EMS). There are public ambulances run by EMS, but they also contract with private ambulances usually run by private hospitals. EMS/911 will send the closest ambulance. The time that the ambulance takes to get to you depends on how serious your problem is – so tell the EMS operator all of your symptoms. For example, I was shot or I have chest pains that are bad pains.

***The ambulance that comes for you is required to take you to the nearest most appropriate hospital.** This means you are to be taken to the closest hospital that is prepared to take care of what is wrong with you. If you are seriously ill, or hurt badly, you should be taken to a hospital with a trauma center. Sometimes a hospital's Emergency Room is too crowded, so an ambulance will take you to another hospital. **But the choice of which hospital you are taken to should not be made because you have no health insurance!**

***Can you ask to be taken to a hospital that you want to go to?** The EMS has a "Ten Minute Rule." You can ask to be taken to a hospital if that hospital is not more than ten minutes beyond where you would have been taken to. This is important to do if your medical records or your doctor are at the hospital that you request. Tell the ambulance staff that you know about the "Ten Minute Rule."

***What can you do if you have a problem?** If you think that you were taken to the wrong hospital, or had some other problem, you should file a complaint. Complaints should be sent to: New York State Department of Health, 90 Church Street, 15th Floor, New York 10007. Or you can call the Hotline at:

1-800-804-5447.



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How to Help the Uninsured -Treated in the Emergency Room

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***There is a federal law (EMTALA) and a state law (EMSRA) that protects people who go to the Emergency Room.**

EMTALA and EMSRA protect your right to treatment in an emergency room. If you think you have an emergency, either call an ambulance or get to a hospital some other way. You have a right to a medical screening by a doctor. The hospital cannot delay the screening to ask about your ability to pay. If you have a medical emergency, the hospital must take care of you. An emergency exists when there are severe symptoms, like bad pain, or if you do not get medical care your health or your body parts could get worse. A hospital can get in serious trouble if they do not provide emergency medical treatment and if they get reported for not giving that treatment.

***A hospital emergency room must provide the same treatment for a medical condition even if you have no health insurance.**

The hospital must provide you with the same screening and treatment as they would for someone who has the same symptoms. For example, if you are having an Asthma attack and cannot breathe, the hospital is required to test you and give you treatment to help you breathe. If you are having chest pains, the hospital is required to give you the tests to see if you are having a heart attack, and if you are, treat you for that emergency.

***What happens if you need to stay overnight in a hospital bed?**

EMTALA and EMSRA protect your right to be hospitalized. If you need to stay in a hospital bed for more than a few hours, the hospital must find you an inpatient bed, not in the Emergency Room. The hospital cannot transfer you to another hospital unless you have something wrong with you that the hospital cannot treat. For example, if you have a bad head wound you may need to have a special doctor that is not at that hospital.

***What can you do if you have a problem?**

If you think you did not get the care that you needed in the Emergency Room, or were sent home too soon, you should file a complaint. Complaints could be sent to: NYS Department of Health, 90 Church Street, 15th Floor, NY 10007. It is also important to call the federal agency that oversees hospitals. Ask for help from a community organization in doing this. A complaint can be filed with CMS by calling 212-616-2450 – Steven Blaum.



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How to Help the Uninsured – Hospital Billing

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***What if I can't pay my hospital bill?** Starting on January 1, 2007, based on new state law, all hospitals in New York State must adopt a Charity Care policy for people with no health insurance, or who are under-insured. For an emergency, you can go to any hospital. New York City residents can go to any hospital in the city for non-emergency care. For all hospitals – if you are an inpatient, in the Emergency Room, or the clinic – and you don't have health insurance, you will get a bill. The bill can be reduced because of the new law. Also, if you are low-income and uninsured, when you are in an inpatient bed 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. In the past, law suit decisions said the hospital was responsible for the bill if they did not help the patient (Mt. Sinai v. Kornegay).

***What is the new State Charity Care Policy?** Hospitals in the state receive money from a state funding pool to help them provide services for the uninsured. Now they will have to show that they provided this care. For people/families with income at or below 100% of the federal poverty level (FPL) the hospital can only charge a "nominal payment" for example, \$15 for an emergency or clinic visit. The federal poverty level for a family of four is \$20,650 a year. With higher incomes, the law becomes more complicated. For a person/family with incomes between 100% and 150% of the FPL, the bill can be no more than 20% of what the hospital would be paid by its' most often used patient insurance, or Medicaid or Medicare. There is also a percentage of a bill to be paid for individuals/families with incomes between 150% and 300% of the FPL.

***How will I know if I am eligible for Charity Care for my hospital bill?** A hospital is required to let you know if you are eligible for their charity care. The hospital must: let you know about the policy during intake; they must post notices around the hospital; information must be written on your bill when you get one. You can also ask for the hospital's Charity Care Policy and a copy of the application for Charity Care. If you need to pay something, the hospital should work out an installment plan. Information should be provided to you in the language that you understand and speak most often.

***What can I do if I have a problem?** You should see signs and get information from the hospital about Charity Care if you have no health insurance or are under-insured. If you have a problem, you can call the State Health Department Hotline at [800-804-5447](tel:800-804-5447) or have someone help you call the State Attorney General's Consumer Helpline at [800-771-7755](tel:800-771-7755).



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How to Help the Uninsured – Safety Net Health Care Providers

***What is the health care safety net?** There are health care providers that have a legal mission to provide services if the person can not pay the full cost of care. All of the public hospitals and clinics run by the Health and Hospitals Corporation (HHC) are safety net providers. HHC has a charity care policy called HHC Options. If the person works with the financial counselor to see if he is eligible for public insurance like Medicaid and is not eligible, the person will be put on a sliding fee starting at \$15 for adults for a clinic visit. Information on HHC Options is available in 12 languages – you can call the city's information line at 311 for a copy and find out which health care providers are part of HHC. HHC has hospitals in four of the five boroughs, and outpatient services at the hospital and at many community sites. Ask about the Child Health Clinics which provide important care for children.

***What other providers are part of the health care safety net?** There are other providers like the Community Health Centers (CHC) that get money from the federal government to help take care of people without health insurance. There are important providers of primary care to keep people healthy. Some of the CHC's also have specialists or can refer you for specialty care. Each of the community health centers have their own sliding fee scales. To find a community health center near, call 212-279-9686 or go on-line to www.chcanys.org. Call the health center and ask how much they charge. You may have to visit. Some of the private hospitals also provide good reasonable care, and now all hospitals are required to have a sliding fee scale.

***It is important to have a "medical home."** If you don't have health insurance, or even if you do, it is important to have a doctor, a clinic, a community health center where you can go to get check-ups or get care that you need. Staying healthy is important. We have given information about where you can go for this care, even if you don't have lots of money. Find a provider or a health care place you can call home.

***What can you do if you have a problem?** If you have a problem finding a health care provider that you can afford to go to, call 311 first and ask for that information. If that does not work, then call CPHS at 212-246-0803 and ask us to help you figure out where you can go for health care services. Or you can call MCCAP at 212-614-5400.



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How to Help the Uninsured – Access in your Language

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***What rights do I have to understand if my primary language is not English, or if I have vision or hearing problem?**

Since 1986, in New York, hospitals have been required to provide an **interpreter and translated information** if you do not understand English. But, the state had not been paying attention to this requirement. Community groups fought very hard to make language access more of a right for people when they go for health care. **Starting September 13, 2006, there are new regulations in New York State that are stronger and say that patients have a right to communicate in their language.**

***What do the new regulations say?** Each hospital in the state must set up a Language Assistance Program to make sure that trained interpreters are available to provide **free** help for people to communicate. A hospital is required to find out at the first visit, and put in the person's medical chart, the preferred language and language needs. Hospitals must post signs telling people that free language assistance is available. The hospital must also provide information to the person directly about the language assistance program. Hospitals are not allowed to use a person's family, friends, or people who do not work for the hospital, unless a patient wants their help. A person can say no to the use of an interpreter. But, a person acting as an interpreter must be at least 16 years of age.

***What does this mean for you?** If you do not speak English, or if you better understand another language, you have a right to get **free help from an interpreter** when you visit the hospital. Your medical record should include your preferred language. You should be provided with an interpreter in **twenty minutes** or less in the inpatient or outpatient part of the hospital, and in **ten minutes** in the Emergency Room. If you speak a language often spoken in the community, such as Spanish, the hospital must also have documents translated into your language. If a document is not translated, the hospital needs to provide you with someone who can translate it for you.

***What can you do if you have a problem?** If you have a problem getting language help at a hospital, ask to speak to an administrator. If that does not work, you should make a complaint to: the NYS Department of Health at [800-804-5447](tel:800-804-5447); and the Office of Civil Rights at [800-368-1019](tel:800-368-1019); and the State Attorney General's Consumer Helpline at [800-771-7755](tel:800-771-7755), and ask for the Health Care Bureau.



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How to Help the Uninsured – Patients Rights & Hill-Burton

***Some hospitals got money for construction and owe back free care.**

Some hospitals and clinics in New York City received Hill-Burton federal funds to build or renovate. To get this money, the hospital/clinic had to promise to give some free or below cost care. If you are poor, these services should be free. These health facilities must develop a plan of where these services will be provided, advertise in a local newspaper, and put up posters in the hospital or clinic, where they can be seen by patients. A person who uses services at the facility and is uninsured, can ask for Hill-Burton assistance. It is best to request the assistance before you get service, if possible. If you do, you should get a response in two working days following your request.

***Which health care facilities have an obligation to provide free or below cost care?**

In the **Bronx**: Calvary Hospital, Claremont Family Care Center, Bronx-Lebanon Hospital Nursing Home, Highbridge-Woodcrest Nursing Home, and Morris Heights Health Center. In **Brooklyn**: Interfaith Medical Center, Wyckoff Heights Medical Center, Bushwick Clinic, Kings County Hospital Center, Lutheran Medical Center, and Sunset Park Family Health Center. In **Manhattan**: Coler Memorial Hospital, Goldwater Memorial Hospital, Harlem Hospital Center, Rivington Health Care Facility Nursing Home, and St. Luke's/Roosevelt Hospital.

What is Community Service? Many other health care facilities once had to provide free or below cost care in the past. Once this obligation runs out, they have to continue to provide Community Service. This means that the facility must be available to everyone in the community, but people will have to pay. The hospital/clinic is not allowed to discriminate on the basis of race, ethnicity, language spoken, or beliefs.

What can you do if you have a problem? If you applied for Hill-Burton free or below cost care, were turned down, and you think you should have been eligible, you can call the federal CMS at 212-616-2450, Steven Blaum, to complain. If you believe that you were discriminated against on the basis of your race, language spoken, or ethnicity, you can call the Office of Civil Rights at the federal agency at 1-800-368-1019.