

# Can't pay? You still have a right to Emergency Room Care

The **Emergency Room card** inside can help you get care in an emergency or childbirth.

Can't pay? Don't have insurance, or TennCare or Medicare? You still have a legal right to get hospital care for an emergency or childbirth. It's against the law to turn you away because you can't pay.

**This does not mean the care is free.** You may have to agree to pay later.

## What is an emergency?

It's when you will get a lot worse in a very serious way without treatment.

## What about childbirth?

Are you in active labor and about to have a baby? The hospital must help with the labor and delivery.

Are there medical reasons why the hospital can't deliver your baby? Then they must have you **SAFELY** moved to a hospital that can deliver your baby. But they can't turn you away just because you can't pay.



**Your emergency care card is on the next page.**

Cut it out and carry it with you all the time. You may need to show it to emergency room staff.

It's a good idea to take friends to the emergency room with you. You may be too sick to stand up for your rights. Your friends can do this for you. They can also be your witnesses.



## How to use your Emergency Care Wallet Card at the hospital

What if a hospital tries to turn you away in an emergency or in active labor?

- **Show them the front of your card.**

It tells what the law says hospitals must do. It also tells what can happen to a hospital that turns you away in an emergency or in childbirth.

Showing them the front of the card tells them that you know your rights.

- **Ask to be seen by a medical person.**

They can't turn you away until a medical person has examined you. They must find out if:

- You are in active labor
- **OR** you would be seriously hurt if they didn't treat you.

- **If they still try to turn you away, use the back of your card.**

This shows them you are serious because you are taking names and finding witnesses.

Fold in half on solid line.

Cut out on dotted lines.



**Emergency Care Card**

Your name: \_\_\_\_\_

Hospital name:  
\_\_\_\_\_

Date and time:  
\_\_\_\_\_

**If the person turning you away is not a medical person, ask them to sign below.**

I hereby refuse hospital care to the person named below because they lack cash or insurance to pay the bill.

X \_\_\_\_\_  
Hospital Representative's signature

Job Title: \_\_\_\_\_

Supervisor: \_\_\_\_\_

Witness's signature  
X \_\_\_\_\_

**If a medical person turns you away, ask them to sign below.**

I have examined the person named below and, in my professional opinion, this person can be denied medical care without worsening his/her illness or injury. I hereby authorize the hospital named below to refuse care to this person because s/he lacks cash or insurance to pay the bill.

X \_\_\_\_\_  
Medical person's signature

X \_\_\_\_\_  
Witness's signature and phone number

**If the person turning you away won't sign, print their name below. Get a witness to sign that hospital staff would not sign this card.**

I swear/witness that \_\_\_\_\_  
\_\_\_\_\_ refused to sign this card.

X \_\_\_\_\_  
Witness's signature                      Phone number

**Is the hospital turning you away in active labor or an emergency? Show them this card.**

**Legal Liability for Refusing Emergency Medical Care**

All Tennessee hospitals (even private, for-profit hospitals) that give general medical and surgical services must furnish emergency services to any person who is injured or who suffers from an acute illness, if that injury or illness is likely to cause severe injury or illness if left untreated. T.C.A. §§68-140 301, 302.

It is a **crime** to deny emergency care. T.C.A. §68-140-303.

A hospital with an emergency room may be liable for **money damages** if it fails to provide an appropriate medical screening to anyone presenting himself for care. 42 U.S.C. § 1395dd(a) and (d)

A hospital that fails to provide necessary stabilizing care to a person with an emergency medical condition may be liable for **money damages**. 42 U.S.C. § 1395dd(b) and (d); Roberts v. Galen of Virginia, 525 U.S. 249 (1999).

Transfers of emergency patients (including women in active labor) without adequate provision for their care, subjects a hospital to **finances, damages, loss of all Medicare funds, and revocation of its license**. T.C.A. §68-11-701, et seq.; 42 U.S.C. 1395dd(c) and (d); and 42 C.F.R. pt. 489.

If a hospital has received federal Hill-Burton construction subsidies (many Tennessee hospitals), it cannot deny emergency care because the person is unable to pay. The hospital cannot transfer or discharge the person unless they determine there is not a big risk that it will make the patient's medical condition worse. 42 C.F.R. §124.603(b).



Cut out on dotted line



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