



Emergency Room Contract

This is the only thing you need to sign in an Emergency Room.

1. My name is: _____ Date of Birth: _____

2. My child or dependent or friend's name is: _____ Date of Birth: _____
only fill this in if you are taking someone else to the ER

3. PLEASE INCLUDE A COPY OF THIS IN THE MEDICAL RECORD AND BILLING FILE.

4. I\we are familiar with the Emergency Medical Treatment and Active Labor Act (EMTALA) and that you are required to provide treatment. I\we are also familiar with your HIPAA (Health Insurance Portability and Accountability Act of 1996) Notice of Privacy Practices (Consent, Authorization or similar forms), and acknowledge having received them (feel free to review their copy if you like, but we recommend you do not sign it—this contract is sufficient) and give my consent and authorization to use and disclose information about my protected information under HIPAA.

5. I\we are in no position to review any other contract. I\we did not bring an attorney, do not believe I\we have time, and do not feel like I\we are in the right state of mind (even if I am an attorney, I am not in a good state to review a contract when presenting myself at an emergency room and would consult another attorney).

6. I\we understand that while EMTALA requires that you provide treatment, that does not mean that I\we will have no financial responsibility. I\we understand that we may be responsible for any reasonable financial charges that are not covered by insurance, the government, or another third party.

7. Please provide a bill for all charges when I\we are discharged from your ER. The bill will be reviewed and compared to the medical record and then payment arrangements can be made as appropriate after the review is complete.

8. Please do not ask me for money today, including after I\we have been "stabilized." This includes any co-insurance, even if an insurance company says there is a co-insurance due. Payment will not be made until a bill is available for review and can be compared to the medical record for accuracy. I\we are aware that hospital bills are notoriously riddled with errors and that it is the patient's responsibility to review the bill for accuracy, even if an insurance company is paying the bill. No one from the insurance company was present to verify the services billed were actually provided.

*If the hospital says you must sign anything else, it is your right to refuse. **However, if you believe care or treatment may be withheld, use your own judgement and sign to receive the proper care and treatment while still asking to have this included in your medical record.** If you are forced to sign anything else, please report the incident to your regional Centers for Medicare and Medicaid Services (CMS) office. Contact information can be found at: <https://www.cms.gov/about-cms/agency-information/regionaloffices/index.html>*

9. Optional: You may provide additional information to make it easier for the hospital to send you a correct bill.

Address (recommended): _____

Telephone Number (not recommended): _____

10. I HEREBY CONSENT TO TREATMENT: _____
Sign here Date

This Emergency Room Contract is available at www.brokenhealthcare.org/emergency_room_contract. It is provided by Broken Healthcare, a Colorado 501(c)(3) non-profit dedicated to protecting patient rights and to leading the United States in the direction of an economically viable, transparent healthcare system that serves all Americans. It is made available as a Creative Commons Attribution—NoDerivatives 4.0 License: <https://creativecommons.org/licenses/by-nd/4.0/legalcode>. You may make changes to the form for your own use, but please do not republish any modified versions. Version 1.01, 2019.07.22



Instructions for use of the Broken Healthcare Emergency Room Contract

Present this contract when registering at an Emergency Room. Explain that you are not prepared to review or sign any other documents and that this contract provides everything the hospital needs to treat you.

DISCLAIMER: The Broken Healthcare Emergency Room Contract and Instructions are not intended to provide medical or legal advice and the contents are not intended to be a substitute for professional medical or legal advice. It is merely a statement of your understanding in lieu of signing anything the hospital asks you to sign.

Know Your Rights:

- You have the right to be seen in the Emergency Room, regardless of your race, gender, sexual orientation, insurance coverage, or ability to pay.
- You have the right to present your own contract.
- You have the right to decline to sign the hospital's contract.
- You have the right to withhold payment until you have received an itemized bill and have had the opportunity to compare it to your medical record.
- You have the right to a copy of your medical record (in some cases, there may be a reasonable charge associated with reproducing it if not provided electronically).
- You have the right to decline to sign anything else. The hospital will ask you to acknowledge in writing that you have received its notice of privacy practices (HIPAA Notice). The law does not require that you sign it to be treated. If you decline, they will note that in your record. Because hospitals often come with documents, we recommend you decline to sign anything besides the Broken Healthcare Emergency Room Contract.
- You have a right to file a complaint with your Regional CMS Office: (<https://www.cms.gov/about-cms/agency-information/regionaloffices/index.html>)

Ask Questions:

Among the many keys to receiving good healthcare are *your* knowledge and self-confidence. We are providing you with some of the knowledge; it is up to you to demonstrate the self-confidence to take charge.

In addition to demonstrating the confidence to control the registration process, you should endeavor to control your medical care as well, working together with the medical providers you see in the emergency room. We recommend you ask lots of questions and insist that everything be explained to you. Be sure to ask that all tests are explained in advance, including the costs and any side effects. Here are four questions to always remember to ask:

1. **“Can I try to explain that back to you, doctor?”** When a doctor explains something to you, ask if you can explain it back to the doctor. If you can't, then you didn't really understand. Ask for a better explanation.
2. **“Are there any alternatives to this test or procedure that we haven't talked about?”** Ask why something is necessary and whether there are any other good alternatives. Once you ask about alternatives; you've created an ethical obligation on the part of the provider to tell you what they are. If you don't ask, doctors commonly present you with only one option.
3. **“What are the risks and side effects?”** Ask whether there are any risks or side effects with any test or procedure. For example, did you know that a routinely used form of imaging—a CT Scan—delivers the radiation of as many as 200 x-rays?
4. **“What if I just do nothing?”** Less is often more in healthcare. Our bodies are extremely capable of healing themselves. Sometimes, the best answer is to do nothing. Your doctor should be able to explain whether doing nothing is a safe and medically wise option.