



Know Your Legal Rights

Originally published in the *2006 National Guide to a Healthy Birth*

This is a compilation of federal laws on a variety of topics relevant to maternity care and rights. The information below is adapted from various texts and is not intended to be legal advice.

The United States currently has no federal Patients' Bill of Rights; matters relating to health care tend to be the responsibility of the individual states and many individual states do have legislation covering patients' rights. Contact your state Department of Health to learn more about what rights and standard of care you can expect as a maternity patient.

Many hospitals and health care organizations, such as the American Hospital Association, also have their own versions of a patients' bill of rights, a code of ethics or code of conduct. These codes mandate compliance with certain practices and will give you an idea of the level and kind of care you can expect - and demand - from health care providers belonging to such institutions.

- www.childbirthconnection.org/pdfs/rights_childbearing_women.pdf
- www.aha.org/aha/issues/Communicating-With-Patients/pt-care-partnership.html
- www.acog.org/from_home/acogcode.pdf

- www.acnm.org/display.cfm?id=483

CONSISTENT AND TIMELY TREATMENT

- You have the right to be treated in a hospital if you arrive in active labor, unless the staff transfers you in a safe and timely manner. You are to be cared for from the time of contractions through the delivery of the baby and the placenta.
- www.emtala.com

MATERNITY LEAVE

- You may be entitled to up to 12 weeks of unpaid, job-protected leave under the Family and Medical Leave Act ("FMLA"). This federal law applies to both women and men who work in a public agency, school or a company with 50 or more employees within 75 miles. The leave can be used for pregnancy complications as well as for the birth and care of your newborn.
- You may have the right to claim Disability and/or Unemployment Benefits during your pregnancy. Under the federal Pregnancy Discrimination Act, it is illegal for you to be denied benefits because of your pregnancy. Check your local state provisions to see what you may be entitled to claim.

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- www.dol.gov/dol/topic/benefits-leave/fmla.htm
- www.dol.gov/compliance/laws/com-p-fmla.htm
- www.eeoc.gov/types/pregnancy.html

BREASTFEEDING

- You have the right to breastfeed your child at any location in a federal building or on federal property, as long as you and your child are otherwise authorized to be present at the location.
- There are no laws in the United States forbidding breastfeeding outside the home. However, different states have different legislation around breastfeeding. Check your local state legislation to find out your rights as a breastfeeding mother. Visit La Leche League's website (below) for more information.
- www.llli.org/law/lawUS.html

New York Congresswoman Carolyn B. Maloney has recently introduced the Breastfeeding Promotion Act, which would provide women nationwide with the kind of

support necessary for successful, sustained breastfeeding.

- www.maloney.house.gov

INTERNATIONAL BREASTFEEDING ICON

This symbol indicates baby-friendly areas and breastfeeding-friendly facilities, as well as increasing awareness of breastfeeding.

INSURANCE COVERAGE

You may have the right to have your maternity care and birth paid for by your health insurance company, even if it takes place with an out-of-network provider. Check with your state's Department of Insurance to find out if such provisions exist in your area.

- www.ins.state.ny.us/ogco2005/rg050409.htm

MATERNITY INFORMATION ACT

A Maternity Information Act legally requires all hospitals and birth centers to provide a brochure containing clear information about the maternity care they provide, including rates of induction of labor, cesarean section, episiotomy and other obstetrical interventions. It also includes statistics relating to the proportion of vaginal births after cesarean (VBAC) or vaginal breech deliveries, as well as other

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information including the percentage of deliveries by midwives and the availability of rooming-in (keeping your baby with you after birth).

At present only New York and Massachusetts have a Maternity Information Act, though other states are considering similar legislation.

To learn more about how to have a Maternity Information Act enacted in your state, please visit www.choicesinchildbirth.org.

- www.mass.gov/legis/laws/mgl/111-70e.htm
- www.health.state.ny.us/facilities/hospital/maternity/public_health_law_section_2803-j.htm