

**Every Mother's Right to Birth How She Chooses**  
<http://www.trustingourbodies.com/ChildbirthRights.html>

It's best for you to know your rights. You can birth at any hospital you choose when you are in labor, they must take you in and treat you if you request treatment. A full explanation of your rights are below.

**What are my rights?**

- You have the right to decline induction or cesarean section.
- You have the right to make medical decisions free from coercion and undue influence from your birth attendants.
- You have the right to revoke consent previously given at any time either verbally or in writing.
- You have the right to be fully informed before making a decision, including a diagnosis, recommended treatment and alternative treatment - the risks, benefits, discomforts and potential disabilities of those treatments, realistic expectation of outcomes, a second opinion and any financial or research interests a birth attendant might have in proposing certain treatments.

**Can my birth attendant discontinue care?**

- No! Not when you are in labor or are within 30 days of giving birth.
- A doctor/midwife must give you 30 days notice in writing with a list of referrals to other birth attendants in order to discontinue care.
  - During labor or within the 30 days, the doctor/midwife cannot terminate ongoing care unless the patient has successfully transferred to another doctor.

Doctors/midwives who fail to follow these guidelines can be charged with patient abandonment which is grounds for malpractice and loss of license.

(See ACOG's and AMAs ethical guidelines and the federal law (the Emergency Medical Treatment and Active Labor Act - EMTALA).

**Can a doctor go to a judge to obtain a court order to force me to undergo a cesarean?**

Doctors can do this but thanks to a widely cited case *Carder v. George Washington University Hospital*, they are less likely to do so because this goes against the ACOG's guidelines and opens the doctor up to having their license revoked or other disciplinary action AND if you sue them for forcing you to undergo treatment by coercing you to consent, then they will lose this legal battle and they know it!

The ACOG's ethical guidelines say that doctors must respect the autonomy of pregnant patients and that using the courts to compel treatment is rarely, if ever, justified.

**Does the pregnant mother have the last say in all medical decisions?**

Yes! The ACOG's ethical guidelines also say that patient's autonomy must be respected at all times and that a doctor must obtain informed consent for any medical or surgical treatment and that the patient's decision to forgo treatment whether it is based on cultural reasons, religious reasons, personal preference or comfort must be honored.

**Do I have to sign the hospital consent form?**

No! You are not required by law to sign the hospital consent form. In fact you do have the right to change the consent form to reflect your wishes regarding specific treatments. For example, you could write on the consent form that you refuse a cesarean.

**What if I change the consent form to state I don't want a particular procedure or medical treatment and the doctor/midwife does it anyway?**

If you have in writing your wish to refuse a specific treatment such as a cesarean and the doctor performs the cesarean anyway, the doctor and hospital are subject to criminal battery charges even if you and the baby are fine after the procedure.

**Does any hospital have to treat me if I come to them in labor asking for treatment?**

Yes! If you are within 250 feet of the hospital building and are in labor, the hospital must treat you until you are in "stable" condition which for a laboring woman means that the baby has been delivered and the placenta has been delivered and then they can transfer you to another hospital or follow normal procedures until you are released from care.

Hospitals MUST admit women in active labor, explain the risks, benefits and alternatives of all recommended treatments and honor the patient's wishes including the laboring mother's right to refuse treatment even if you can't pay for that treatment.

**If a hospital is not willing to comply with the laboring mother's wishes, what do I do now?**

You can file a complaint with the chief compliance officer of the hospital. Hospitals must adhere to a set of rules called the Center for Medicare and Medicaid Services conditions of participation - CMS's CoP - which require hospitals to honor patient rights as are stated above. Hospitals that fail to adhere to CoP are subject to heavy fines and risk losing their right to qualify for Medicare and Medicaid funding.

Additionally, you can file a grievance with the hospital and you should have received information on how to do that upon admission at the hospital.

To Learn More...

Buy and read, Dr. Marsden Wagner's Born in the USA

and

ChildbirthConnection's Childbirth Rights