



**BIRTHING
PEOPLE'S
BILL OF
RIGHTS**

COVID-19 EDITION

YOUR RIGHTS



- You have the right to bodily autonomy and self-determination. For example, you can decide whether or not to get an epidural or whether to accept a recommended c-section, regardless of hospital policies. Your consent is also required before any procedures like vaginal exams or breaking the bag of water. This can include leaving the hospital if you do not want to be admitted (Please see below about how to leave the hospital).
- You have the right to choose your birth setting—in a hospital, birth center, or home. You have the right to choose your provider (a midwife or a doctor) to attend your birth.
- You have the right to support during your labor and birth, from a family member, partner and/or a birth support worker such as a doula.
- You have the right to breastfeed if you decide that this is best for you and your baby. If breastfeeding is not recommended, you have the right to have the risks and benefits of breastfeeding explained to you by your healthcare provider.
- You have the right not to be separated from your baby. If separation is recommended, you have the right to have any risks and benefits explained to you by your healthcare provider.
- You have the right to understand the pros and cons of any procedure. You also have the right to understand other options including what will happen if you don't do any of the options. You have the right to have all of your questions answered before you make a decision about your health care. You have the right not to be threatened into choosing certain options.
- You have the right to be able to reach your prenatal provider during your pregnancy if you have concerns that cannot wait until your next scheduled visit.
- You have the right to an interpreter if you do not speak English, and to disability accommodations in accordance with the Americans with Disabilities Act, even during the COVID-19 pandemic.
- You have the right to be treated with dignity and respect. You have the right to be free of discrimination based on your race, gender, religion, sexual orientation, gender identity, age, disability, HIV status, immigration status, housing status, income level, or form of insurance.
- You have the right to file a formal complaint about concerns related to the care you have received, and to have the healthcare provider or institution respond to your concerns in a timely fashion. This also includes the right to be provided with clear alternatives for switching to another provider within 24-72 hours. In some cases you also might be able to switch your health care plan. Information on how to file a complaint is provided below.

HOW TO SPEAK UP, ADVOCATE FOR YOURSELF & GET HELP

ADAPTED FROM THE MIND OF SARAH FERGUSON

IF YOU FEEL YOU ARE NOT BEING LISTENED TO OR NEED MORE HELP UNDERSTANDING YOUR OPTIONS:

Ask to speak to the Charge Nurse

- You can ask to be cared for by a different nurse, midwife, or doctor. (If there is only one type of provider (i.e. nurse, midwife, or doctor) available, you can ask for a second opinion from a different type of provider).

Ask to speak to the Hospital Administration. Tell them you want to file a complaint.

- This can help you to get assigned to a different healthcare team that better matches your needs.

DEMAND TO LEAVE AMA (AGAINST MEDICAL ADVICE)

- If you are still not getting the care you deserve, you can leave.
- Sometimes this is as simple as saying I would like to leave AMA and signing paperwork stating that you understand the risks.
- Other times it is more complex and you may be required to be interviewed by an ethicist or psychiatrist.

AMA CONSIDERATIONS:

- Cases where children are involved: It is possible that Department Child and Family Services (DCFS) may be called depending on your individual provider and hospital policy. So be prepared to once again advocate for yourself and demand your right to care.
- Insurance Coverage: There is no evidence that insurance denies payment for patients leaving AMA. HOWEVER, you need to be prepared to explain this both to the MEDICAL FACILITY and to the INSURANCE COMPANY to make sure they will pay.
- While AMA paperwork is being prepared, decide if you will drive to the nearest hospital or call 911 from a nearby location to restart the triage process.

HOW TO FILE A COMPLAINT:

- If you have a concern about a medical doctor or a licensed midwife, you can file a complaint with the California Medical Board. Complaints about a registered nurse or a certified nurse midwife go to the California Board of Registered Nurses.
- If you have a discrimination complaint against a hospital facility, staff, facility administration, or birthing center, you will need to file the complaint with California's Fair Employment and Housing Department. Don't let the name fool you: they also take discrimination complaints outside of employment and housing.



COVID PREGNANCY QUESTIONS TO ASK YOUR HEALTHCARE PROVIDER

TO SUPPORT DECISION MAKING - THERE ARE MANY DECISIONS TO MAKE AROUND PERSONAL CARE AND HOW TO DEAL WITH DIFFERENT SITUATIONS PRENATALLY, IN BIRTH, AND POSTPARTUM. THE FOLLOWING ARE QUESTIONS THAT CAN HELP YOU MAKE AN INFORMED CHOICE.

INFORMED DECISION MAKING QUESTIONS

These questions are useful anytime during pregnancy, even when it's not during a pandemic

- Is what you're suggesting considered "routine" or is it medically necessary?
- Why are you making this suggestion?
- What are the pros and cons, or risks and benefits of doing this?
- What else can we try or do? What are the pros and cons of those options?
- What if I choose to do nothing?
- How long do I have to make this decision?
- On a scale of 1-10, how strongly do you recommend that I do this?
- Personal question – what is my gut telling me to do

PRENATAL QUESTIONS:

GENERAL CARE QUESTIONS:

- If I have questions about my pregnancy or health, how can I contact you and how quickly should I expect a reply?
- Have your c-section and induction rates changed since the start of the COVID-19 pandemic?
- What are my options for an out of hospital birth? Would you partner with a homebirth midwife? Do you accept homebirth transfers? What is covered by my insurance?

HOW IS PRENATAL CARE CHANGED DUE TO COVID?

- Are there any routine visits you are no longer doing? Are you providing or conducting any visits by video? If so, which ones?
- What are your COVID protocols for in-person visits and being in a waiting room?
- Can my support person come with me to my prenatal visits? If not, can they join by phone or video during the visit? Are there any visits they can come to?

WHAT ARE YOUR LABOR POLICIES DURING THE PANDEMIC?

- How many people can come with me for labor support? Can they come and go? Do they have to wear a mask or any other special protective gear? Do you provide the mask/equipment?
- Will I be free to walk around the floor while I am in labor?
- How have your policies changed because of COVID? Do you expect any more facility changes?
- Are there any reasons that you would recommend that I be separated from my baby?
- What pain management options do you offer during the pandemic? Will I be able to use nitrous oxide for pain management?

WHAT IS YOUR COVID-19 TESTING POLICY?

- Do you conduct temperature tests?
- Are your staff COVID tested? How often?
- Do you test everyone on admission to labor & delivery or only people who are suspected of having an infection?
- What happens if I decline testing?
- If I decline the test or I test positive, does this change how you will take care of me during labor? For example will you recommend an epidural or a c-section earlier than you would for someone with a negative test?

IF I AM FOUND TO HAVE COVID-19, WHAT WILL CHANGE REGARDING MY CARE?

- Are there changes to who I can bring as support?
- Are there changes to the protective gear they will have to wear?
- What will your recommendations be as far as breastfeeding and caring for my baby if I test positive?

HOSPITAL INTAKE QUESTIONS:

When you first show up at the hospital, you will be cared for by a nurse and provider team, they will help you decide if you should stay at the hospital or go home. This is called “triage.” Here are some questions you may want to ask while in triage.

- See above general questions - you can ask those about anything in triage!
- My understanding of your policies related to COVID are ***. Have there been any changes to that?

IF YOU ARE TOLD YOU ARE GOING TO BE ADMITTED TO THE HOSPITAL:

- What will change for me once I am admitted?
- What will happen if I delay getting admitted?

LABOR QUESTIONS:

- See above general questions - you can ask those about anything in triage!

IF THEY RECOMMEND TESTING FOR COVID DURING LABOR

- How will that change how you manage my labor?

**YOU HAVE THE RIGHT TO
BODILY AUTONOMY AND
SELF-DETERMINATION.**





On average, there are over 1000 live births everyday in California, and that hasn't stopped during the COVID-19 epidemic. Advocates, health professionals and doulas are working to re-imagine perinatal care both during COVID-19 and beyond that centers our most vulnerable communities.

Organizations participating in project: American Civil Liberties Union (ACLU) California, Birthing Project USA, Black Women for Wellness, California Nurse Midwives Association, California Alliance of License Midwives, Maternal and Child Health Access, National Health Law Program, NARAL Pro Choice California, South Los Angeles/South Bay African American Infant and Mortality Community Action Team, Western Center on Law and Poverty

Inspired by Black Birthing Bill of Rights by the National Association to Advance Black Birth