

# YOUR RIGHTS as a PREGNANT PATIENT and PERSON WHO USES SUBSTANCES

## PATIENT AUTONOMY

**You have the right to make decisions about your body and your health care.** You are the expert.

You know your body better than anyone else. You know your health history and understand what works well for you - and what doesn't. You deserve health care from providers who appreciate that and respect your right to make the decisions that are best for you right now.



**You have the right to trauma-informed health care.**

Gynecological care can be invasive and uncomfortable. If you have experienced trauma before, medical visits can bring back memories - and bring up powerful and overwhelming emotions. Because the medical environment is potentially traumatic, you have a right to talk about it with your health care providers. It is important for you to work with them to feel as comfortable and empowered as you can. Good providers will do their best to support you, listen to your needs, and help you feel safe, comfortable, and empowered.

**You have the right to decide when and if you're ready to be pregnant or be a parent.**

You can talk to your healthcare provider, a case manager, a social worker, a friend, or advocate about resources and support in your community to help you meet your reproductive health and parenting goals.

**You have the right to health care for you and your baby.** There are many barriers to accessing quality health care. However, when you're pregnant there are fewer. Special state and national programs have been created to help you and your baby have the best possible outcomes. You may be able to enroll in special programs that will help you have a healthy pregnancy and birth.

**You have a right to decide when and with whom you talk about your substance use.** Knowing about - and understanding - your substance use will help your providers give you better care. They can help you minimize your risks, find healthier alternatives, and access safer treatment options. However, while there are benefits to talking about your substance use, there are also risks. Using substances while pregnant is considered a crime in some states. Even when it's not, it can lead to investigations, surveillance, or involvement with child welfare agencies that threaten parental rights. Because of these risks you may decide to build a relationship with a provider before you share information with them.

**You have a right to mental health care.** Mental health care is health care. It is impossible to separate your mental health from your physical health. Each affects the other. You deserve health care that addresses them together.

## DISCLOSING YOUR SUBSTANCE USE

*Ideally, you will be the one to decide when and how you tell your health care providers about your substance use. But sometimes we don't have that choice. Sometimes other people share that information before we have a chance to. Even if that is what happens to you, you still deserve the right and opportunity to make your own health care decisions. You deserve the same kindness and respect that every other patient needs to feel safe and valued.*

## HARM REDUCTION

**You have a right to individualized care.** We are all different. Each of us has our own special healthcare needs. You know your health history and you have your own goals for your health and wellbeing. Ask for help to identify your risk factors. Then work with your providers to make healthier choices that reflect your goals and values - even if you are still using substances.



## **You have a right to be seen as more than just your substance use.**

You deserve to be as healthy as you can be – whether or not you continue to use. While your substance use may be one of your health concerns, it is probably not your only concern. When necessary, remind your providers that you are there to discuss all your health care needs. There are many factors that affect health - including nutrition, exercise, and chronic health conditions. While it's important to know if your substance use is the cause of - or is contributing to - some of your conditions, it's also important to know when it isn't.

**You have a right to information about safer use.** If you continue to use there are things you can do to use more safely. Ask for the information and tools you need to help you avoid infections, reduce your exposure to contaminants, prevent transmission of infectious diseases, and survive an overdose. This includes:

- How to access to clean equipment, pipes, and syringes.
- Access to safer prescription drugs and pain management.
- Safe places to use and dispose of used equipment.
- Opioid agonist therapy like methadone and buprenorphine.
- Tools to protect your sexual health.
- Naloxone (Narcan) and education about how to use it to save lives.

## **PROGRAMS YOU SHOULD KNOW ABOUT:**

**MEDICAID** is free or low-cost health insurance coverage for those who qualify. Medicaid is different in each state, so start by going to [Medicaid.gov](https://www.Medicaid.gov) to see what's available to you.

**HEALTHCARE.GOV** Insurance is available through the Health Insurance Marketplace (Obamacare). Find out what your options are and what is covered under public and private insurance plans.

[www.healthcare.gov/what-if-im-pregnant-or-plan-to-get-pregnant](https://www.healthcare.gov/what-if-im-pregnant-or-plan-to-get-pregnant)

**WIC** (Women, Infants, and Children) is a program that provides increased access to healthy foods for people who are pregnant or breastfeeding, babies and children. Go to [www.fns.usda.gov/wic](https://www.fns.usda.gov/wic) to learn more.

# SHARED DECISION MAKING

## **You have a right to set your own health goals.**

You are responsible for making your own health care decisions. Partner with your doctors and health care providers to assess your medical needs and create a care plan to meet your needs.



## **You have a right to know your treatment options.**

There is good medical evidence to help us understand which interventions and treatments work well during and after pregnancy. You should be given all the information and guidance you need to make educated decisions about your healthcare. If your providers work with you to explore all your options, you will be more likely to find solutions that reflect your values and preferences.

## **You have a right to know what the alternatives are.**

Every medication or medical intervention has both benefits and risks. Ask your provider about what you should expect and what you should do if there are side effects or complications. You can also ask your providers if there is another way to treat your conditions or what might happen if you do nothing or wait before starting treatment.

## RECOMMENDED RESOURCES:

Quality Health Care is Your Right! A Guide for People Who Use Drugs —  
Getting Better Care from the Harm Reduction Coalition  
[www.harmreduction.org](http://www.harmreduction.org)

The Rights of Childbearing Women from Childbirth Connection  
[nationalpartnership.org/childbirthconnection](http://nationalpartnership.org/childbirthconnection)

## INFORMED CONSENT



**You have a right to privacy.** Regulations like HIPAA (Health Insurance Portability and Accountability Act) are in place to protect your health information. Your providers should protect your health records from being shared without your permission. Let them know that you expect them to ask for your permission so that you have more control over who your information is shared with.

**You have a right to know how the results of drug testing and screening will be used.** Ideally, the results should only be used to improve the quality of care that you and your baby get. For example, they may be used to help you qualify for treatment specifically for people who are pregnant.

**You have a right to know if the results of drug testing or screening will be shared with anyone who is not your health care provider.** Physicians have a responsibility to do no harm. If they are required by law to share the results of drug screenings or tests with law enforcement, family courts, or child welfare agencies, they should tell you. Then they should work with you to make a plan to reduce any harm that report may do.

### LAWS AND POLICIES THAT MAY AFFECT YOU:

Child Abuse Prevention and Treatment Act (CAPTA) Go to Pregnancy Justice and search for "CAPTA" [www.pregnancyjusticeus.org](http://www.pregnancyjusticeus.org)

Mandatory Reporting

[www.childwelfare.gov/resources/mandatory-reporting-child-abuse-and-neglect](http://www.childwelfare.gov/resources/mandatory-reporting-child-abuse-and-neglect)

Definitions of Child Abuse and Neglect

[www.childwelfare.gov/resources/definitions-child-abuse-and-neglect](http://www.childwelfare.gov/resources/definitions-child-abuse-and-neglect)