

YOUR MEDICARE RIGHTS

You have the right to be treated fairly, understand the information you get, and keep your personal information safe.

If you have Medicare

You have the right to be:

- Treated with courtesy, dignity and respect at all times.
- Protected from discrimination. Every company or agency that works with Medicare must obey the law. They can't treat you differently because of your race, color, national origin, disability, age, religion, or sex.

You have the right to have:

- Your personal and health information kept private.
- Access to doctors, specialists, and hospitals for medically necessary services.

You have the right to get:

- Medicare-covered services in an emergency.
- Information in a way you understand from Medicare, health care providers, and, under certain circumstances, contractors.
- Information about your treatment choices in clear language that you can understand, and participate in treatment decisions.
- Medicare information and health care services in a language you understand.
- Your Medicare information in an accessible format, like braille or large print.
- Answers to your Medicare questions.
- A decision about health care payment, coverage of items and services, or drug coverage.

If you need plan information in a language other than English, or in an accessible format, contact your plan.

When you or your provider files a claim, you'll get a notice letting you know what will and won't be covered. This notice may come from:

- Medicare
- Your Medicare Advantage Plan (Part C) or other Medicare health plan
- Your Medicare drug plan

If you disagree with the decision on your claim, you have the right to file an appeal. You may:

- Request a review (appeal) of certain decisions about health care payment, coverage of items and services, or drug coverage.
- File a complaint (sometimes called a "grievance") if you have concerns about the quality of care and other services you get from a Medicare provider.
- Work with End-Stage Renal Disease (ESRD) Networks and State Survey Agencies to help you with complaints (grievances) about your dialysis or kidney transplant care.

Access to your personal health information

By law, you or your legal representative generally have the right to view and/or get copies of your personal health information from these groups:

- Health care providers who treat you and bill Medicare for your care
- Health plans that pay for your care, including Medicare

These types of personal health information include:

- Claims and billing records
- Information related to your enrollment in health plans, including Medicare
- Medical and case management records
- Other records that doctors or health plans use to make decisions about you

Generally, you can get your information on paper or electronically. If your providers or plans store your information electronically, they generally must give you electronic copies, if you ask for them. You have the right to get your information in a timely manner, but it may take up to 30 days to get a response. Keep in mind, if your information is electronic, you also have the right to have it sent to a third party of your choosing. A third party may be a:

- Health care provider who treats you
- Family member
- Researcher

You may have to fill out a form to request copies of your information and pay a fee. This fee can't be more than the total cost of:

- Labor for copying the information requested
- Supplies for creating the copy
- Postage (if you ask your health care provider to mail you a copy)

In most cases, you won't be charged for viewing, searching, downloading, or sending your information through an electronic portal.

[Get more information about your rights under HIPAA.](#)

More rights based on your coverage

When you have Medicare, there are rules that protect your right to fair treatment, access to helpful information, and the privacy of your personal and health records. Find out more about your rights and protections.

Original Medicare

If you have Original Medicare, you can:

- See any doctor or specialist (including women's health specialists), or go to any Medicare-certified hospital, that participates in Medicare.
- Get certain information, notices, and appeal rights. These help you resolve issues when Medicare may not (or doesn't) pay for your health care.
- Request an appeal of health coverage or payment decisions.
- Buy Medicare Supplement Insurance (a Medigap policy).

Medicare Advantage Plan or other Medicare health plan

You have the same rights and protections as all people with Medicare. You also have the right to:

- Choose health care providers within the plan.
- Get a treatment plan from your doctor.
 - If you have a complex or serious medical condition, a treatment plan lets you directly see a specialist within the plan as many times as you and your doctor think you need.
 - Women have the right to go directly to a women's health care specialist without a referral within the plan for routine and preventive health care services.
- Know how your doctors are paid.
 - When you ask your plan how it pays its doctors, the plan must tell you.
 - Medicare doesn't allow a plan to pay doctors in a way that could interfere with you getting the care you need.
- Request an appeal to resolve differences with your plan.
- File a complaint (called a "grievance") about other concerns or problems with your plan.
- Get a coverage decision or coverage information from your plan before getting services.

To learn more about your rights and protections, read your plan's membership materials, or call your plan.

If you have a Medicare drug plan or Medicare Advantage Plan with drug coverage

You have the same rights and protections as all people with Medicare. You also have the right to:

- Get a written explanation for drug coverage decisions (called a “coverage determination”) from your Medicare drug plan.
 - A coverage determination is the first decision your Medicare drug plan (not the pharmacy) makes about your benefits. This can be a decision about if your drug is covered, if you met the plan’s requirements to cover the drug, or how much you pay for the drug.
 - You’ll also get a coverage determination decision if you ask your plan to make an exception to its rules to cover your drug.
- File a complaint (called a "grievance") with the plan. A grievance is a complaint about the way your Medicare health or drug plan is giving care.
- Have the privacy of your Medicare health and drug information protected.

If you have Medicare drug coverage, your plan will send you information that explains your rights. Call your plan if you have questions.

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