

Emergency Department Compliance Manual

2015 Edition

Rusty McNew
Consulting Editor



Wolters Kluwer

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Published by Wolters Kluwer in New York.

Wolters Kluwer serves customers worldwide with CCH, Aspen Publishers and Kluwer Law International products.

Printed in the United States of America

ISBN 978-1-4548-5608-5

ISSN 1537-8438

1 2 3 4 5 6 7 8 9 0

Emergency Department Compliance Manual

2015 Edition

Emergency Department Compliance Manual provides everything you need to stay in compliance with complex emergency department regulations, including such topics as legal compliance questions and answers—find the legal answers you need in seconds; Joint Commission survey questions and answers—get inside guidance from colleagues who have been there; hospital accreditation standard analysis—learn about Joint Commission standards as they apply to the emergency department; and reference materials for emergency department compliance. The *Manual* offers practical tools that will help you and your department comply with emergency department–related laws, regulations, and accreditation standards.

Highlights of the 2015 Edition

New and updated legal and regulatory information affecting your ED, including:

- Compliance issues
 - Fraud concerns with lab payments to physicians for referrals
 - HHS OIG 2014 workplan and oversight of the Affordable Care Act (ACA) requirements
 - HIPAA updates, including marketing and fundraising and mental health reporting and sharing
- Content of the ED record: 2014 meaningful use updates
- Staffing issues
 - The ACA and employee benefits
 - How the Family and Medical Leave Act affects the ED
 - Disability case updates
 - How to determine whether a disability limits a major life function
 - Requirements for federal government contractors regarding individuals with disabilities
 - Pregnancy nondiscrimination requirements
- Duty to treat regardless of ability to pay: ways to reduce a deficit and increase uncompensated services credit under the Hill-Burton program
- Reimbursement issues
 - The effect of EMTALA on collection practices
 - The two midnight rule
 - 2015 Outpatient quality reporting measures
 - PQRS potential emergency medicine preferred specialty measurement set
 - RAC program improvements



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- Patient safety issues
 - Drug shortages FDA proposed rule
 - How to create high reliability of safety in health care
- ED management
 - Factors affecting ED length of stay
 - How to reduce nonurgent use
 - Ways to target Medicaid super-utilizers
- Health care reform
 - Updates
 - An individual's responsibilities under the ACA
- New Joint Commission survey questions and answers
- Updated sections on hospital accreditation standards
- New/updated forms, policies, and other reference materials to facilitate compliance, including:
 - Information for Patients on Outpatient Observation Services
 - Are You a Hospital Inpatient or Outpatient?
 - FAQs on Two Midnight Inpatient Admission Guidance and Patient Status Reviews for Admissions on or After October 1, 2013
 - A Pragmatic Approach to Improving Patient Efficiency Throughput
 - ED Equipment Tracker
 - Use of Patient Rounding Strategies to Reduce Patient Falls in the ED
 - Sample Technical Competency Self-Evaluation: RN
 - Interim Infection Precaution and Control Recommendations for Hospital Patients with MERS
 - MERS Case Definitions
 - Health Care Facilities Preparedness Checklist for MERS
 - Key Components of Standard, Contact, and Precaution Recommendations for the Prevention of Ebola Virus
 - Question & Answers on Ebola Virus
 - HIPAA Privacy Walkthrough
- Updated CMS, Joint Commission, and DNV Standards Checklist

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Acknowledgments

Developing and revising the *Emergency Department Compliance Manual* is a unique project, requiring the participation of many individuals. We are especially in debt to Consulting Editor Rusty McNew, who shares his expertise and creativity regarding strategies for preparing for Joint Commission surveys, as well as many sample materials from his organization. We also are immensely grateful to all Editorial Board members and contributors who aided in compiling examples of compliance documentation. Finally, we applaud the group of professionals who graciously consented to interviews about their recent Joint Commission survey experiences. Their candid comments bring a personal and practical section to the manual.

Introduction

Emergency department (ED) compliance issues can be overwhelming. Federal laws, state laws, local laws, liability concerns, and Joint Commission accreditation requirements affect nearly all aspects of patient care and departmental management. Leaders must balance their compliance obligations against patient care concerns, management time, and limited resources. The 2015 Edition of this manual is designed to assist ED managers in finding that balance by providing urgently needed up-to-date information in a comprehensive, easy-to-use compliance tool that can be used to improve the care delivered to patients and meet various external requirements.

FEATURES OF THIS MANUAL

Legal Compliance Questions and Answers

This section of the manual provides an easy reference to legal issues commonly encountered in hospital EDs. A list of questions at the front of this section will enable you to quickly locate helpful and current information on a variety of difficult legal areas such as complying with fraud and abuse laws, patients' rights regulations, EMTALA requirements, negotiating consent requirements, obtaining reimbursement for ED services, avoiding employment law problems, and more. Citations to laws, regulations, and cases are provided for guiding additional research. Appendix 1-A provides a state-by-state summary of laws and regulations regarding exceptions to patient consent under emergency circumstances.

Joint Commission Survey Questions and Answers

This section contains valuable advice from staff members at hospitals that have recently and successfully navigated a Joint Commission survey. Interviewees provide frank and detailed information on what surveyors did and didn't look for, how they prepared staff for the survey, and how they demonstrated participation in performance improvement activities. This section is organized by topic, to allow you to readily compare the experiences of hospitals across the country.

Hospital Accreditation Standards Analysis

This section condenses applicable Joint Commission standards and elements of performance that are surveyed in the ED. Many standards are scored specifically in the ED while others are scored as a composite of the organization. This matrix allows ED managers to quickly find the standard or element of performance and understand how it is applicable to the ED.

Communication between the ED manager and the organization is a key component in the continuous Joint Commission readiness. ED managers are encouraged to be in the communication loop on all activities that impact all applicable standards.

- *Comment:* This column describes the relationship between ED and hospital responsibility for demonstrating compliance with the standard. It also indicates what the standard assesses.
- *Evidence:* This column lists the types of evidence that might be used to show compliance with the standard. Special emphasis is paid to documents that are developed or maintained in the ED.
- *Staff questions:* This column lists questions that the Joint Commission surveyor might ask the ED director, the nurse manager, ED staff members, and others to assess compliance with the standard.

Reference Materials for Emergency Department Compliance

This section of the manual provides documentation that hospitals across the country have recently used to show compliance with Joint Commission standards, as well as documentation used to meet legal requirements discussed in Legal Compliance Questions and Answers.

CMS, Joint Commission, and DNV Standards Checklist

This tool allows customers to cross reference the Medicare Conditions of Participation to the DNV and Joint Commission Standards and also provides a place for them to note any deviations in their own state law requirements. This checklist will simplify compliance efforts by highlighting duplications and inconsistencies in the many standards that EDs must follow.

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