

Emergency Department Compliance Manual

2014 Edition

Rusty McNew
Consulting Editor



Wolters Kluwer
Law & Business

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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 2014 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, DNV, and Joint Commission 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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