Joint Commission and CMS Informed Consent

COURSE: NCD1476 (WEBINAR)
December 16, 2012
12:00 – 1:30 p.m. CST

Ever been confused about what standards and guidelines apply to informed consent? This webinar will discuss the current CMS Hospital Conditions of Participation (CoPs) on informed consent requirements. It will include some recent confusing changes such as having a patient advocate sign the consent form when present even if the patient is competent. It will cover the 2013 Joint Commission informed consent standards. This webinar will discuss the CMS requirements for both PPS hospitals and Critical Access Hospitals since they are very different.

Healthcare providers must also be aware of their specific state law on informed consent. Many professional organizations, like the American College of Surgeons, American Society of Anesthesiologists, and the American Association of Nurse Anesthetists also have guidelines or position statements on informed consent. Come join us for a fun session on making informed consent a little simpler to understand!

Target Audience
CEO, Compliance officer, chief of medical staff, chief nursing officer, COO, Nurse Educator, Nurse Managers, Physicians, Medical staff coordinator, patient safety officer, senior leadership, hospital legal counsel, Risk Manager, Chief Risk Officer, PI director, Joint Commission coordinator, director of health information management, director of anesthesia, OR nurse director, nurses, Patient Safety Officer, Pastoral Care, Patient Advocates, Ethics Committee and others responsible for compliance with hospital regulations, and persons responsible for rewriting policy and procedure on informed consent.

Webinar Objectives:
• Recall that the CMS hospital CoP interpretive guidelines has 3 separate sections on informed consent
• Explain that hospitals and critical access hospitals have a separate guideline from CMS on informed consent and that they are very different
• Describe the six minimum requirements that are now mandatory to be in the informed consent form for surgery done at a hospital that receives Medicare reimbursement including that the name of the hospital must always be on the form
• Discuss that the CMS and accreditation standards applicable to your facility should be reflected in the hospital’s policies and procedures
• Identify that the medical staff must have a list of procedures and tests that will require an informed consent under federal regulations
Webinar Topics:

**Introduction to the Hospital CoP**

**Informed Consent Requirements**
- CMS interpretive guideline on informed consent for hospitals
- Three sections in hospital CoP
- Update policies and procedures
- Educate staff including medical staff
- Consent from the patient who is not incapacitated and the patient representative
- Consent when the patient is incapacitated
- Patient advocate asked to sign consent even if patient is competent

**Informed Decision Section 1 CMS Hospital CoPs**
- Informed consent as a process
- Right to make informed decisions
- Right to be informed of health care status
- Right to refuse care
- Evaluate patient rights
- Right to delegate right to another for informed decisions
- Surrogate decision makers
- Right to participate in plan of care after discharge
- Right to receive understandable information
- Policies and procedures required
- Survey procedure for surveyor

**Surgical services Section 2 CMS Hospital CoPs**
- Consent form on chart before surgery
- Emergency exception
- Short and long term risks
- Benefits
- Physician professional judgment
- Surgery definition
- Hospital must assure consent process
- Anesthesia consent required
- Surgery consent policy requirements
- Documentation in medical record

**Elements of well-designed consent process**
- Risks, benefits, alternatives etc.
- Surgical residents, RNFA, surgical Pas
- Important tasks related to surgery and disclosure
- Surgical resident section
- Moonlighting resident or fellow
- MS must approve list of when consent is required
- Surveyor to interview patients on process
- Medical record review by surveyor

**Medical Records-Section 3 CMS Hospital CoPs**
- Inpatients and outpatient requirement
- Consent on chart prior to surgery
- Minimum elements in informed consent
- Name of hospital on consent form
- Revised witness requirement
- Material risk definition
- Signature of patient on consent form required
- Additional elements to consider on consent form
- Surveyor review of six charts
- Surveyor procedure

**CMS Critical Access Hospital CoPs**
- 2 separate sections in CAH manual
- Consent requirements
- Significant surgical tasks
- Consent as a process
- Mandatory and optional requirements

**2013 Joint Commission Informed Consent Standards**
- Remember state law requirements
- RI.01.03.01 and the EPs
- Written policy requirements
- Surgery and procedures requiring consent must be specified
- Consent as a process
- Risks benefits, and side effects
Elements not required by CMS
- Exceptions to policy
- Emergency surgery
- Consent on chart required before surgery
- Consent for photography
- TJC tracer on consent

Research Informed Consent Requirements
Professional Organization Resources on Consent
Additional Resources Slides Provided on:
- AAAHC and AAAASF Standards on Consent
- DNV Healthcare Standard on Informed Consent
- AOA HCFA Standard on Informed Consent
- Questions and Answers

Faculty:
Sue Dill Calloway, R.N., M.S.N, J.D. is a nurse attorney and President of Patient Safety and Healthcare Consulting and Education. She was the past VP of Legal Services at a community hospital in addition to being the Privacy Officer and the Compliance Officer. She worked for over 8 years as the Director of Risk Management and Health Policy for the Ohio Hospital Association. She was also the immediate past director of hospital patient safety and risk management for The Doctors Insurance Company in Columbus area for five years. She does frequent lectures on legal and risk management issues and writes numerous publications.

Ms. Calloway has given many presentations locally and nationally to nurses, physicians and attorneys on medical and legal issues. She has authored numerous articles and over 1000 articles and 100 books, including the 2009 Joint Commission Leadership Standard (HCPro), Nursing and the Law (PESI, 1986 and 1987), Ohio Nursing Law (West Publishing), Nursing Ethics and the Law (PESI, 1986), Legal Issues in Supervising Nurses (PESI, 1988), Medicine Made Easy (PESI, 1992) and The Law for Nurses Who Supervise/Manage Others (PESI, 1993), Legal Issues in Obstetrics (PESI, 1997) and JC Leadership Standards (HCPro, 2004), and the Compliance Guide to the CMS and the Joint Commission Patient Rights Standards (HCPro, 2005), and the 2009 book on the Joint Commission Leadership Standards (HCPro). She often writes articles called the “CMS Corner” in Briefings on the Joint Commission. Ms Calloway is a 1996 recipient of PESI's Excellence in Education Award.

Registration:
There is a site fee of $175.00 for NDHA Member Hospitals and $300.00 for Non-members for this course. Member Hospital is referred to as an individual freestanding facility, not a hospital system. The registration fee provides you with one phone number, Web connection and a downloadable handout. Numerous people at one physical site are encouraged to participate in the Web Conference through one registration (utilizing the same telephone/Web connection). If any additional locations or facilities are added into your connection, additional registration fees will be charged. If participants at your site require more than one telephone/Web connection, additional registration fees will be charged.

Prior to the program you will receive an e-mail containing instructions on how to connect to the conference. This e-mail will also contain codes to access the conference call. Advance registration by December 6, 2013 is required to ensure delivery of instructional materials. A late fee of $25.00 will be charged for any registrations after this date. This fee is necessary, as we are being charged a late fee for any last minute registrations that require an overflow line on the bridge. If you do not receive an e-mail...
from Linda Simmons prior to the program with your handouts and dial-in information, please contact her at 701 224-9732.

Please contact Linda Simmons at 701 224-9732 or lsimmons@ndha.org for further information. You may register by fax (701) 224-9529, online at http://www.ndha.org under Education or by mail PO Box 7340, Bismarck ND 58507.

Registration fees are non-refundable unless notice of an individual’s cancellation is received at NDHA five working days prior to the event, in which case a cancellation fee of $50.00 will be deducted from your registration fee. If notice of cancellation is received after this date, there is no refund. You will be billed whether or not you attend the program.

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Facility ________________________________________________________________

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