

Rapid Regulatory Compliance: Clinical Part I

Introduction

Welcome to Rapid Regulatory Compliance: Clinical; Part I.



As your partner, HealthStream strives to provide its customers with excellence in regulatory learning solutions. As new guidelines are continually issued by regulatory agencies, we work to update courses, as needed, in a timely manner. Since responsibility for complying with new guidelines remains with your organization, HealthStream encourages you to routinely check all relevant regulatory agencies directly for the latest updates for clinical/organizational guidelines.

If you have concerns about any aspect of the safety or quality of patient care in your organization, be aware that you may report these concerns directly to The Joint Commission.



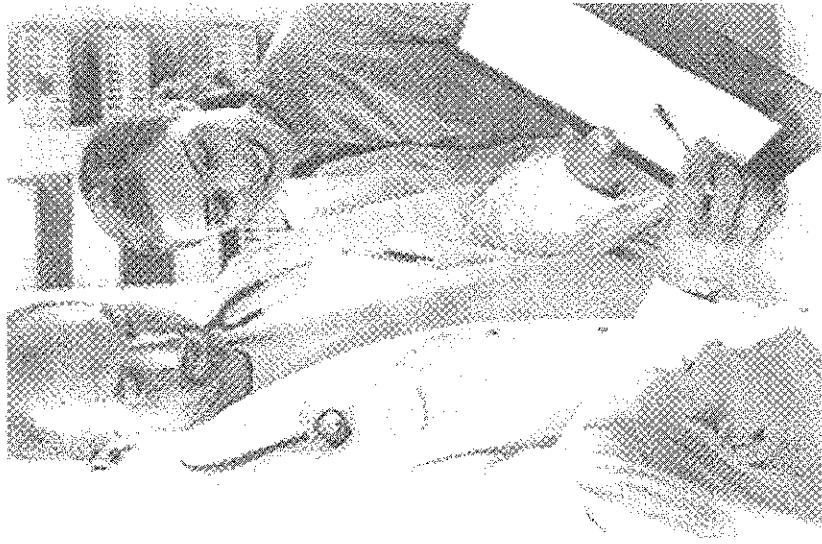
Rapid Regulatory Compliance: Clinical, Part I

Course Rationale

This course will rapidly review and update your knowledge of:

- * Compliance and ethics
- * Patient rights
- * Patient care and protection

Note: This course provides essential information for veteran clinical healthcare staff. If you are new to any of the topics presented here, consider taking the full-length course on that topic.



Course Menu Main Menu Help

Session Objectives Glossary

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Rapid Regulatory Compliance: Clinical: Part 1

Course Outline

This introductory lesson gave the course rationale.

Lesson 2 will discuss compliance and ethics including corporate compliance, medical ethics, and sexual harassment.

Lesson 3 will cover patient rights including confidentiality, patient participation, disclosure and informed consent, advanced directives, access to emergency services, respect, safety, nondiscrimination, and grievances.

Lesson 4 will focus on patient care and protection including developmentally appropriate care, cultural competence, restraint and seclusion, assault, abuse, and neglect.

Course Map

Lesson 1: Introduction

- Corporate compliance
- Medical ethics
- Sexual harassment

Lesson 2: Compliance and Ethics

- Confidentiality
- Patient participation in treatment decisions
- Disclosure and informed consent
- Advanced directives
- Access to emergency service
- Respect, safety, and nondiscrimination
- Grievances

Lesson 3: Patient Rights

- Developmentally appropriate care
- Cultural competence
- Restraint and seclusion
- Patient assault and abuse in the healthcare setting
- Victims of abuse and neglect

Lesson 4: Patient Care and Protection

Rapid Regulatory Compliance Clinical: Part 1

Introduction

Welcome to the lesson on compliance and ethics.

This lesson covers:

- Corporate compliance
- Medical ethics
- Sexual harassment

Lesson Map

Lesson 2: Compliance and Ethics

- Corporate compliance
- Medical ethics
- Sexual harassment



Service Excellence in Healthcare

Service Excellence is a vital part of healthcare and the Hospital's mission, requiring sensitivity, compassion, and care.

- Who are your customers? Whom do we serve?

- The receivers of healthcare
- The patient's family and friends
- Physicians and other referral sources
- AND your co-workers

- Positive co-worker relationships are critical to the smooth operation of any organization

- Cooperation is contagious: Give it and you will receive it!
- Interpersonal differences among co-workers leave the public wondering, "If you can't take care of yourselves, how can you take care of us?"

- Those we serve expect:

- Courtesy
- Honesty
- Respect
- Quick and skillful delivery of services,

- Why is Service Excellence so important?

- When all technical variables are equal, customers will select the healthcare organization that provides top-notch service.
- Customers know how to evaluate the service they receive even though they may not always know how to evaluate the quality of healthcare provided.

- Service Behavior Standards

- * Create positive first impressions
- * Demonstrate care and concern
- * Maintain respect, dignity, and confidentiality
- * Be a team player
- * Initiate service improvements

Service Excellence is met by meeting the Hospital's Core Values:

Respect

Value others. Respect is the Franciscan respect for life from conception to death and for the dignity of each individual person. It is a commitment to freeing and empowering each person to develop to his or her full potential.

Care

Demonstrate concern. Care embodies the concern, compassion, and sensitivity with which we attend to people as individuals on a one-to-one basis. It depicts our way of dealing with patients, families, visitors, employees, and coworkers. Many times it is thought of as bedside behavior, but it belongs in offices, cafeterias, and meeting rooms, too.

Competence

Pursue excellence. Competence means that our work is performed at the highest level of skill and ability. We are committed to recruiting and developing people who are competent in their work and whose values reflect our own.

Joy

Celebrate your work. Joy is the manner in which we and all who join us in our ministry seek to perform our work, the internal fulfillment of caring for others. It is an essential ingredient in bringing a sense of hope to those who suffer.

Rapid Regulatory Compliance: Clinician Part I

Corporate Compliance: Applicable Laws and Regulations

Corporate compliance means following business laws and regulations.

Laws and regulations for healthcare are:

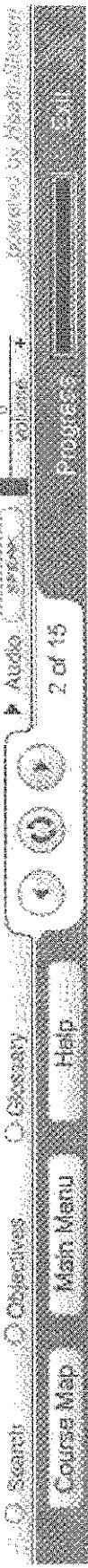
- Medicare regulations
- Federal False Claims Act
- Stark Act
- Anti-Kickback Statute
- Sections of the Social Security Act
- Mail and wire fraud statutes
- EMTALA
- HIPAA

Let's take a closer look at each of these laws on the following screens.

In recent years, government agencies have started to look more closely for healthcare fraud and misconduct.

A lot of federal money has been used to investigate and prosecute suspected fraud.

This has increased the number of providers convicted of fraud.



Rapid Regulatory Compliance: Clinical Part I

Corporate Compliance: Applicable Laws and Regulations

Let's look first at:

- Medicare regulations
 - Federal False Claims Act
 - Stark Act

Click on each for a brief review of key points.

Medicare regulations

- Any facility that participates in Medicare must follow Medicare regulations. For example, facilities must:
 - Meet standards for quality of care
 - Not bill Medicare for unnecessary items or services
 - Not bill Medicare for costs or charges that are significantly higher than the usual cost or charge
 - Follow other rules for claims and billing



Rapid Regulatory Compliance: Clinical: Part I

Corporate Compliance: Applicable Laws and Regulations

Let's look first at:

- * Medicare regulations
- * Federal False Claims Act
- * Stark Act

Click on each for a brief review of key points.

Federal False Claims Act
The False Claims Act makes it illegal to submit a falsified bill to a government agency. This act:

- " Applies to healthcare because Medicare is a government agency
 - * Allows a citizen who has evidence of fraud to sue on behalf of the government. This "whistleblower" is protected from retaliation for reporting the fraud.

Note: State laws also focus on False Claims in addition to the Federal False Claims Act.



Rapid Regulatory Compliance: Clinical Part I

Corporate Compliance: Applicable Laws and Regulations

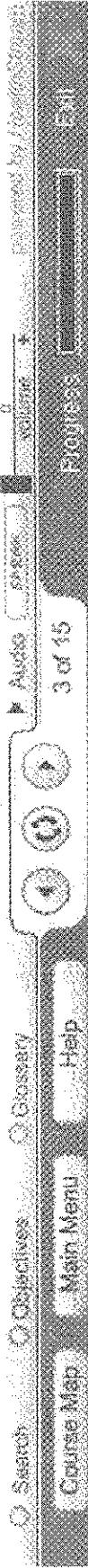
Let's look first at:

- * Medicare regulations
- * Federal False Claims Act
- * Stark Act

Click on each for a brief review of key points.

- Stark Act**
The Ethics in Patient Referrals Act (EPPA) is commonly known as the Stark Act. This Act makes it illegal for physicians to refer patients to facilities or providers:
 - * If the physician has a financial relationship with the facility or provider
 - * If the physician's immediate family has a financial relationship with the facility or provider

Note: This law does not apply in certain cases.



Rapid Regulatory Compliance: Clinical: Part I

Corporate Compliance: Applicable Laws and Regulations

Let's next look at:

- * Anti-Kickback Statute
- * Sections of the Social Security Act
- * Mail and wire fraud statutes

Click on each for a brief review of key points.

Anti-Kickback Statute

The Medicare and Medicaid Patient Protection Act of 1987 is commonly referred to as the Anti-Kickback Statute (AKBS). This act makes it illegal to give or take kickbacks, bribes, or rebates for items or services that will be paid for by a government healthcare program.

Note: This law does not apply in certain cases.



Rapid Regulatory Compliance Clinical: Part I

Corporate Compliance: Applicable Laws and Regulations

Let's next look at:

- * Anti-Kickback Statute
 - * Sections of the Social Security Act
 - * Mail and wire fraud statutes
- Click on each for a brief review of key points.
- Sections of the Social Security Act
The Social Security Act makes it illegal for hospitals to:
 - * Knowingly pay physicians to encourage them to limit services to Medicare or Medicaid patients.
 - * Offer gifts to Medicare or Medicaid patients to get their business.



Rapid Regulatory Compliance Clinical Part I

Corporate Compliance: Applicable Laws and Regulations

Let's next look at:

- Anti-Kickback Statute
- Sections of the Social Security Act
- Mail and wire fraud statutes

Click on each for a brief review of key points.

Mail and wire fraud statutes
Mail and wire fraud statutes make it illegal to use the U.S. Mail or electronic communication as part of a fraud. For example, these statutes make it illegal to mail a fraudulent bill to Medicare.



Rapid Regulatory Compliance: Clinical: Part I

Corporate Compliance: Applicable Laws and Regulations

Finally, let's look at:

- **EMTALA**

- **HIPAA**

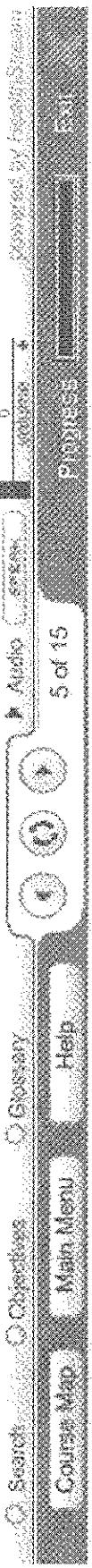
Click on each for a brief review of key points.

Both of these laws will be reviewed in greater detail later in the course.

- **EMTALA**

The Emergency Medical Treatment and Active Labor Act (EMTALA) is commonly known as the Patient Anti-Dumping Statute. This statute requires Medicare hospitals to provide emergency services to all patients, whether or not the patient can pay. Hospitals are required to:

- Screen patients who may have an emergency condition
- Stabilize patients who have an emergency condition



Rapid Regulatory Compliance: Clinical Part I

Corporate Compliance: Applicable Laws and Regulations

Finally, let's look at:

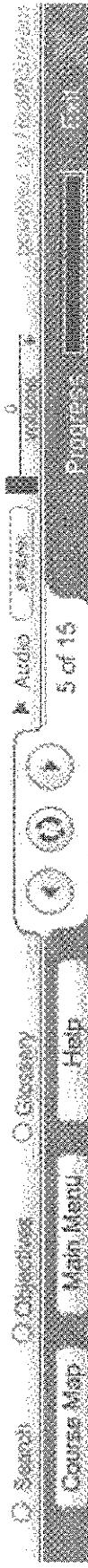
- EMTALA
- HIPAA

Click on each for a brief review of key points.

Both of these laws will be reviewed in greater detail later in the course.

HIPAA
HIPAA is the Health Insurance Portability and Accountability Act. The HIPAA Rule protects a patient's right to privacy of health information. This act requires healthcare businesses to follow standards for how to:

- Perform electronic transactions
- Maintain the security of health information
 - Ensure the privacy of health information
 - Use identifiers for health business employers



Rapid Regulatory Compliance: Clinicals: Part I

Corporate Compliance: Potential Consequences of Noncompliance

When a provider is convicted of breaking any of the laws described on the previous screens, penalties can include:

- * Criminal fines
 - * Civil damages
 - * Jail time
 - * Exclusion from Medicare or other government programs
- In addition, a conviction can lead to serious public relations harm.



You may contact the following St. Nicholas Hospital NPIAA Officers regarding concerns about Corporate Compliance, Privacy or Security:

Corporate Compliance Officer

Roger Breitnick, Corporate Compliance Officer

Internal: x#18696

External: (920) 433-8696

Hotline: (920) 433-8781

Privacy Officer

Denise Reitmeyer, Director Medical Records

Internal: x4652

External: (920) 459-4652

Security Officer

Dave Augustin, Director Information Services

Internal: x4793

External: (920) 459-4793

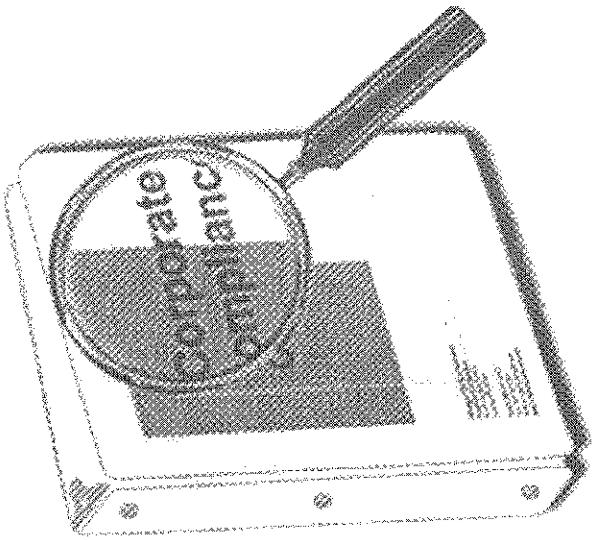
Rapid Regulatory Compliance: Clinical: Part I

Corporate Compliance: Compliance Program

To help prevent misconduct, healthcare facilities have corporate compliance programs.

A good compliance program reduces the risk of error or fraud. It does so by giving guidelines for how to do your job in an ethical and legal way.

A copy of your facility's compliance program should be readily available to you. Ask your supervisor for more information.



A horizontal navigation bar located at the bottom right of the slide. It includes icons for a magnifying glass (Search), a book (Objectives), a list (Glossary), a speaker (Audio), and navigation arrows (left, right, up, down). Below the icons, there are buttons for "Course Map", "Main Menu", "Help", and "Print". The text "7 of 15" is also visible on the bar.

Organizational Ethics

The *Organizational Ethics Policy* provides a framework of ethical behavior which guides the activities of St. Nicholas Hospital. This includes, but is not limited to, the institution's responsibility to our patients, staff, physicians, employers, and the community we serve. It is the responsibility of every member of the St. Nicholas Hospital organization to act in a manner that is consistent with this organizational statement and its supporting policies.

See *HR-Et.4 Ethics, Organizational* in the *HAM Manual*.

Staff Rights

St. Nicholas Hospital respects its employees' cultural values, ethics, and religious beliefs and the impact these may have on patient care. The *Staff Rights Policy* addresses how you may request to be excused from participating in an aspect of patient care that conflicts with your cultural values, ethics, or religious beliefs. The policy also addresses how St. Nicholas Hospital will ensure that patient care will not be negatively affected by staff rights.

See *HR-SR.1 Staff Rights* in the *HAM Manual* and the *Employee Handbook*.

ETHICS AND RELIGIOUS DIRECTIVES for CATHOLIC HEALTH CARE SERVICES

1. Social Responsibility of Catholic Health Care Services
2. Pastoral and Spiritual Responsibility of Catholic Health Care Services
3. Professional Patient Relationships
4. Issues in Care for Beginning of Life
5. Issues in Care for the Dying
6. Forming New Partnerships with Health Care Organizations and Providers

PURPOSES-ETHICS COMMITTEE

- * To develop, review and revise policies and guidelines that address ethical and moral issues--annually
- * To provide a forum for interdisciplinary dialogue on medical moral issues
- * To provide ethical case consultation

ETHICS COMMITTEE EDUCATION

- * educate our healthcare providers and the community moral issues, policies and guidelines
- * review and discuss medical ethics literature for self-education
- * recommend educational opportunities to others

WHAT YOU NEED TO KNOW

- * You can bring any Ethics issue for discussion
- * You may be faced with an ethics issue--personally, professionally at some time
- * How to make an Ethics Referral

ETHICS REFERRALS

When an issue arises, a request for referral is made. Contact:

- * 8-5(M-F): Administration Office
- * Evenings/Weekends: Switchboard Operator
- * Holidays 8-5(M-F): Hospital Supervisor

Rapid Regulatory Compliance: Clinical, Part I

Medical Ethics: Four Guiding Principles

The four basic concepts of medical ethics are:

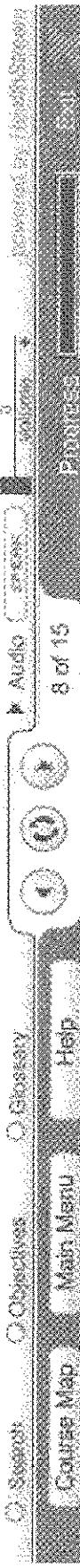
- Beneficence
- Non-maleficence
- Respect for patient autonomy
- Justice

Click on each for a brief review.

Beneficence

Beneficence means that healthcare providers have a duty to:

- Do good
 - * Act in the best interest of their patients
 - * Act in the best interest of society as a whole



Rapid Regulatory Compliance: Clinical: Part I

Medical Ethics: Four Guiding Principles

The four basic concepts of medical ethics are:

- Beneficence
- Non-maleficence
- Respect for patient autonomy
- Justice

Click on each for a brief review.

Non-maleficence
Non-maleficence means that healthcare providers have a duty
to:

- Do no harm to their patients
- Do no harm to society



Rapid Regulatory Compliance: Clinical: Part I

Medical Ethics: Four Guiding Principles

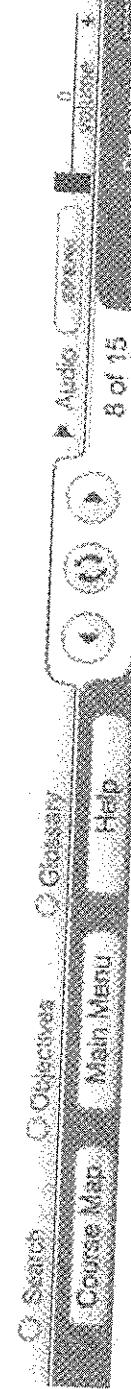
The four basic concepts of medical ethics are:

- * Beneficence
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- * Justice

Click on each for a brief review.

Respect for patient autonomy

This principle means that healthcare providers have a duty to protect the patient's ability to make informed decisions about his or her own medical care.



Rapid Respiratory Competence: Clinical: Part 1

Medical Ethics: Four Guiding Principles

The four basic concepts of medical ethics are:

- * Beneficence
- * Non-maleficence
- * Respect for patient autonomy
- * Justice

Click on each for a brief review.

Justice
Justice means that healthcare providers have a duty to be fair to the community. In particular, providers have a duty to promote the fair distribution of healthcare resources.



Rapid Regulatory Compliance: Clinical: Part I

Medical Ethics: Ethical Dilemmas

Unfortunately, the four guiding principles sometimes conflict.

To address ethical conflicts, you must be able to take into account:

- * The guiding principles of medical ethics
- * The particular situation



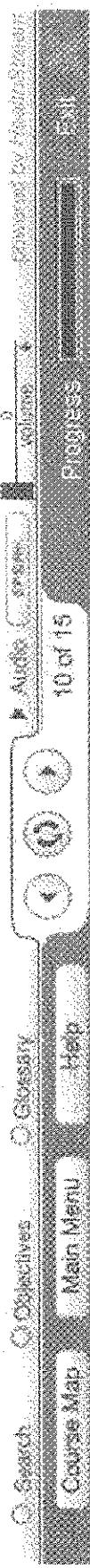
Rapid Regulatory Compliance: Clinical Part I

Medical Ethics: Current Issues

Some of the important issues in medical ethics today relate to:

- The patient-provider relationship
- Care of patients near the end of life
- Peer relationships
- Ethics of practice and responsibilities to society

Let's take a closer look at each set of issues on the following screens.



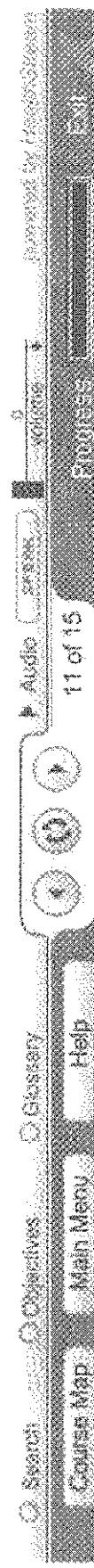
Rapid Regulatory Compliance: Clinical: Part I

Medical Ethics: patient-provider Relationship

Ethics in the patient-provider relationship relate to:

- The nature of the relationship
 - * The nature of the relationship
 - * Be professional and responsible in the care of patients.
 - * Treat patients with compassion and respect.
 - * Maintain appropriate boundaries with patients.
- Payment
- Patient confidentiality
- Disclosure and informed consent
- Medical risk

Click on each for a brief review of key ethical duties.



Rapid Regulatory Compliance: Clinical Part I

Medical Ethics: patient-provider Relationship

Ethics in the patient-provider relationship relate to:

- The nature of the relationship
- Payment
 - Expect to be paid fairly for your services.
 - But remember that your duty to patients comes before money. Providers have an ethical duty to care for patients, whether or not they can pay.
- Patient confidentiality
- Disclosure and informed consent
- Medical risk

Click on each for a brief review of key ethical duties.



Rapid Regulatory Compliance: Clinical: Part I

Medical Ethics: patient-provider Relationship

Ethics in the patient-provider relationship relate to:

- * The nature of the relationship
- * Payment
- * Patient confidentiality
 - * Protect the confidentiality of your patients.
- * Disclosure and informed consent
- * Medical risk

Click on each for a brief review of key ethical duties.



Rapid Regulatory Compliance: Clinical Part I

Medical Ethics: Patient-provider Relationship

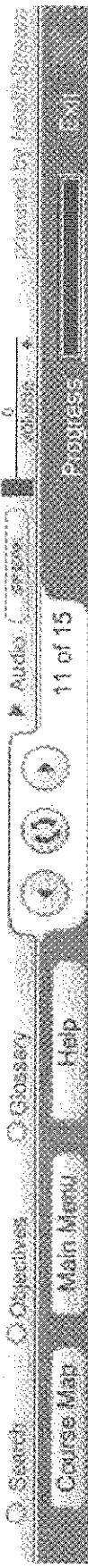
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- * The nature of the relationship
- * Payment
- * Patient confidentiality
- * Disclosure and informed consent
- * Medical risk

Click on each for a brief review of key ethical duties.

Disclosure and Informed Consent

- * Fully disclose patient health status and treatment options.
 - * This makes it possible for patients to exercise the right to give informed consent or refusal for treatment.



Rapid Regulatory Compliance: Clinical: Part I

Medical Ethics: Patient-provider Relationship

Ethics in the patient-provider relationship relate to:

- The nature of the relationship
- Payment
- Patient confidentiality
- Disclosure and informed consent
- Medical risk

Click on each for a brief review of key ethical duties.

- Expect your workplace to limit your risk of infection through an infection-control program.
- It is unethical to refuse to treat a patient because of his or her infectious state.

Medical Risk

Expect your workplace to limit your risk of infection

through an infection-control program.

- It is unethical to refuse to treat a patient because of his or her infectious state.



Rapid Regulatory Compliance: Clinical: Part 1

Medical Ethics: End-of-Life Care

Ethics in the care of patients near the end of life relate to:

- Palliative care
- End-of-life decisions
- Withdrawing treatment
- Organ donation
- Physician-assisted suicide and euthanasia

Click on each for a brief review of key points.

Palliative care

- * The goal of palliative care is not to cure the patient. The goal is to provide comfort.
- * Understand the importance of addressing all of the patient's comfort needs near the end of life. This includes psychosocial, spiritual, and physical needs.
- * Stay up-to-date on the legality and ethics of using high-dose opiates for physical pain.



Rapid Regulatory Compliance: Clinical: Part I

Medical Ethics: End-of-Life Care

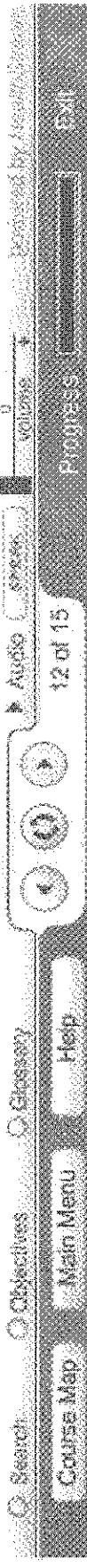
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End-of-life decisions

- Patients have the right to refuse life-sustaining treatment.
- Respect this right and this decision.



Rapid Regulatory Compliance: Clinical, Part 1

Medical Ethics: End-of-Life Care

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Withdrawing treatment

- * Withholding and withdrawing life-sustaining treatment are ethically and legally equivalent. Both are ethical and legal when the patient has given informed consent.
- * Be sure to check your facility's policies on withholding and withdrawing life-sustaining treatment.



Rapid Regulatory Compliance Clinical: Part I

Medical Ethics: End-of-Life Care

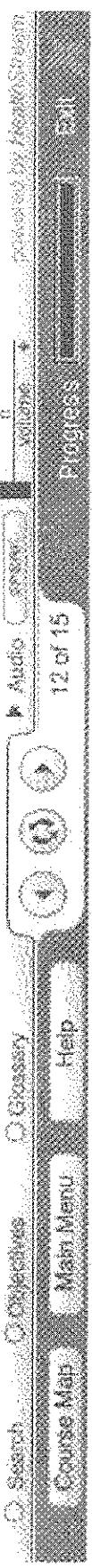
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Organ donation

- * Patients should be made aware of the option to donate organs and tissues.
- * The care of the donor must be kept separate from the care of the recipient.



Rapid Regulatory Compliance: Clinical, Part I

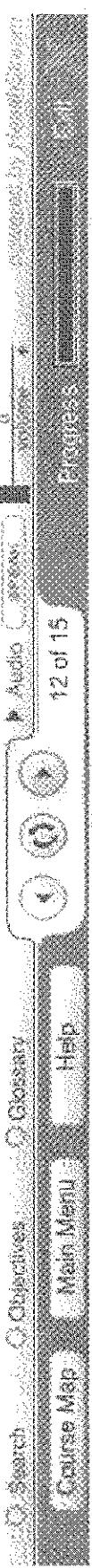
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- * Physician-assisted suicide and euthanasia

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Physician-assisted suicide and euthanasia
The ethics of assisted suicide and euthanasia are controversial. Both practices are illegal in most states. Do not confuse these practices with 1) a patient's informed decision to refuse life-sustaining treatment, or 2) unintentional shortening of life, as a result of treating pain with high-dose opiates.



Rapid Regulatory Compliance: Clinical Part I

Medical Ethics: peer Relationships

Ethics around peer relationships include:

- protect patients from incompetent providers
- Help colleagues who lack competency or need consultation
- Request consultation, as needed
- Work with other providers to optimize patient care
- Be respectful of one another
- Discipline colleagues who have engaged in fraud or other misconduct



Rapid Regulatory Compliance Clinical: Part I

Medical Ethics: Practice and Society

Ethics around responsibilities to society include:

- * Advocate for the health and wellbeing of the public
- * Report infectious diseases as required by law
- * Provide the general public with accurate information about healthcare and preventive medicine
- * Work to ensure that all members of the community have access to healthcare
- * Serve as an expert witness when needed, in civil and criminal legal proceedings

