

POLICY AND PROCEDURE



TITLE: Patient Communication Regarding Noncompliance and Termination				
Scope/Purpose: To ensure proper warning and termination procedures related to abusive and/or noncompliant patients.				
Division/Department: All HealthPOINT clinics			Policy/Procedure #:	
Original Date: 02/2010			___ New ___ Replacement for:	
Date Reviewed:	Date Revised:	Implementation:	CPIC Approved:	Board Approved:
10/23/2013	11/27/2013	12/17/13	12/17/13	
Responsible Party: Director Compliance/QA				

DEFINITIONS:

Abusive behavior: Any physical or verbal action that intentionally harms or injures another person or any physical or verbal action with the intent to do such harm. This also includes harassment, manipulative behavior, and other behaviors that can be construed as abusive.

Noncompliance: Failure or refusal to conform to or follow rules, regulations, or the advice of another. A patient may be considered noncompliant, for example, if he/she does not adhere to the “Center Rules” or does not follow his/her prescribed plan of care. (See “Patient Communication Regarding Noncompliance and Termination” Policy in Clinic Policy Manual for further examples of noncompliance.)

POLICY:

Should a patient be considered noncompliant, the staff and/or provider will follow the approved procedures for issuing letters of warning and termination.

Letters to the patient regarding non-compliance must be delivered directly to the patient or via certified mail with return receipt requested. Communications are not to be delivered through family members or other parties.

Should a patient engage in behavior that is considered to be abusive in nature (verbal or physical), the staff and/or provider may institute approved procedures for immediate termination or defer to approved procedures for issuing letters of warning and termination. BVCAA has a zero-tolerance policy toward a client's abusive behavior toward others, including staff or other clients, or the Center facilities that interferes with the Center's ability to deliver services reasonably to clients.

Reasons for which the Center may initiate termination:

- A patient's repeated failure to comply with the Center's Rules including personal conduct, use of the property, and supervision of children or other persons brought to the Center
- A patient's repeated failure to make or keep scheduled appointments
- A patient's failure to provide accurate, complete, and current information on health status to the physician or Center staff
- A patient's repeated failure to comply with their plan of care. Violations may include failure to take medications prescribed, prescription drug abuse, failure to follow personal health practices (such as diet), and other aspects of the treatment which have been explained to the patient and which are reasonable within the patient's ability to comply
- A patient's failure to provide accurate information about his or her financial status or change in financial status

The steps of the associated procedure are dictated specifically and precisely by Federal Tort Claims Act (FTCA) and if not followed, the provider and Center will *not* be covered for any liabilities, per the laws which govern FTCA. Compliance is mandatory and no patient can or will be dismissed until the procedure has been satisfied.

PROCEDURE:

The following is intended to help providers be familiar with the procedures for addressing patient noncompliance and/or dismissal from the Centers. The following steps are dictated specifically and precisely by Federal Tort Claims Act (FTCA); and if not followed, the provider and Center will NOT be covered for any liabilities, per the laws which govern FTCA. Compliance is mandatory and no patient can or will be dismissed until the procedure has been satisfied. Should the patient request an appeal to the termination, the request will first be considered by the medical director and ultimately by the Clinical CEO of HealthPOINT.

Incidence of Abusive Behavior:

Should a patient engage in behavior that is considered to be abusive in nature (verbal or physical) and is considered by the provider or staff to warrant immediate termination:

1. Notify the medical director and appropriate administrator immediately.
2. Complete an Occurrence Report and gather written statements from all staff who witnessed the event

3. Medical Director discusses the situation with the administrator.
4. Only after the Medical Director verifies that the above steps in this procedure have been followed explicitly*, the Medical Director sends the following to the patient via certified mail with return receipt requested:
 - a. Completed Termination Letter, signed by Medical Director
 - b. Release of Information form
 - c. List of Local Physicians to whom the patient may choose to transfer their care
5. Place a copy of the Termination Letter in the patient's record within the "Patient Documents" folder.
6. Medical Director notifies Practice Management Officer to flag patient's record for impending inactivation.
7. Patient is given 30 days to find another provider, but still must be seen if requested during this time.
8. After 30 days from the date of the Termination Letter, patient record is inactivated by Practice Management Officer.

Should a patient engage in behavior that is considered to be abusive in nature (verbal or physical), but is not considered by the provider or staff to warrant immediate termination, follow the Noncompliance/Abusive Behavior Procedures below.

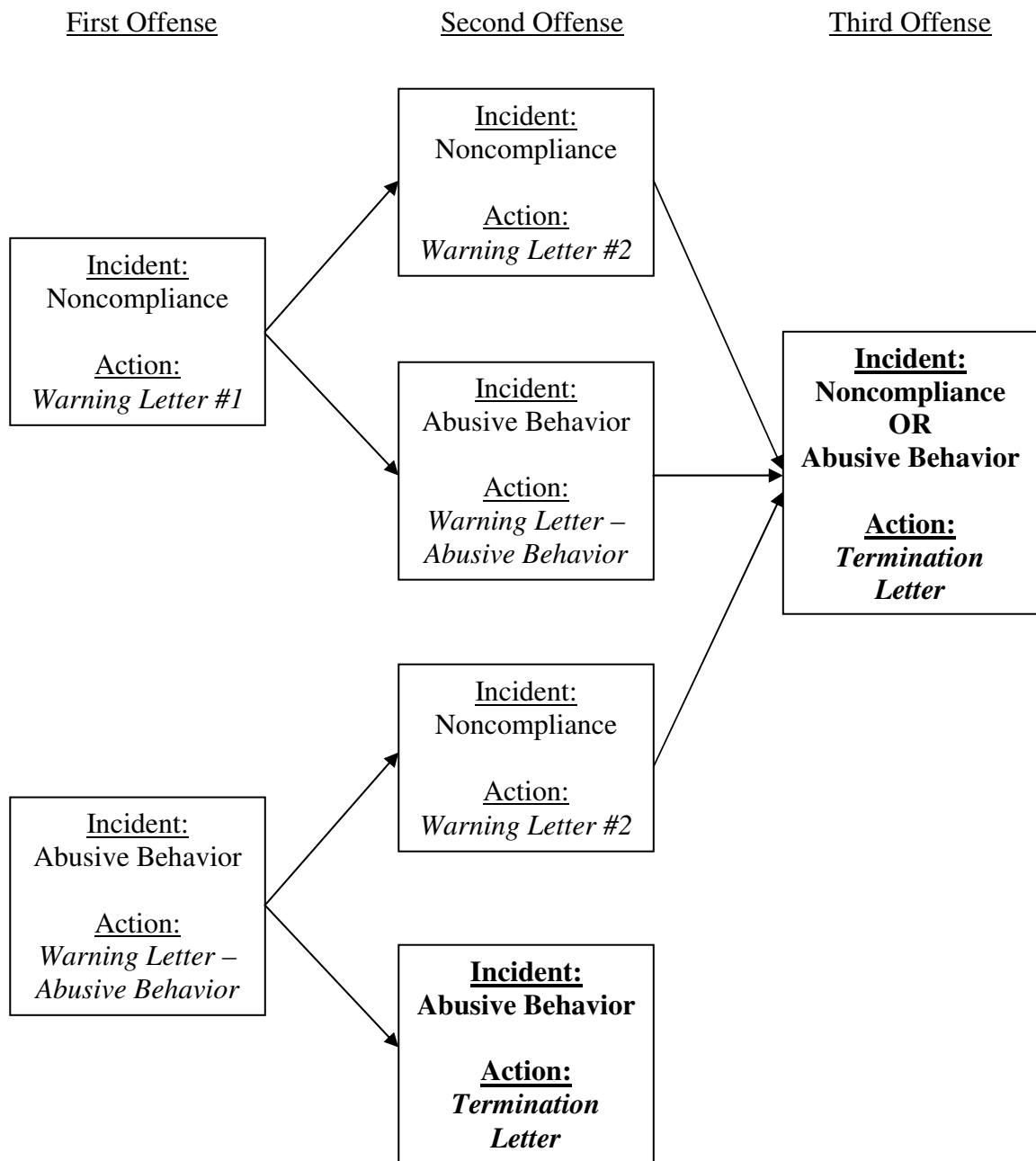
Incidence of Noncompliance:

Follow the Noncompliance/Abusive Behavior Procedures below.

Noncompliance/Abusive Behavior Procedures

1. Consult the patient's record to determine whether any prior incidents of noncompliance or abusive behavior have occurred. Prior offenses will have been recorded on the Patient Noncompliance/Abusive Behavior Documentation Form and placed in the patient's record within the "Patient Documents" folder.
2. If this is the patient's first offense, refer to the first column ("First Offense") in the flow chart to determine the appropriate action to be taken and then find the procedural steps corresponding to that action on the following pages.
3. If the patient has had prior offenses, use the information recorded on the Patient Noncompliance/Abusive Behavior Documentation Form to follow the Noncompliance/Abusive Behavior Procedures Chart to determine the appropriate action to be taken. Then, find the procedural steps corresponding to that action on the following pages.

Noncompliance/Abusive Behavior Procedures Chart:



Warning Letter #1 (Noncompliance):

1. Complete the appropriate section of the Patient Noncompliance/Abusive Behavior Documentation Form and place form in the patient's medical record within the "Patient Documents" folder.
2. Patient's provider (not clinical staff member) completes all blanks and signs **Warning Letter #1**.
3. Send Warning Letter #1 and a copy of the Center Rules to the patient by certified mail with return receipt requested.
4. Place a copy of Warning Letter #1 in the patient's record within the "Patient Documents" folder.
5. Notify Medical Director of incident, including the patient's name, medical record number, and the date and details of the incident.

Warning Letter #2 (Noncompliance):

1. Complete the appropriate section of the Patient Noncompliance/Abusive Behavior Documentation Form and place form in the patient's medical record within the "Patient Documents" folder.
2. Patient's provider (not clinical staff member) completes all blanks and signs **Warning Letter #2**.
3. Send Warning Letter #2 and a copy of the Center Rules to the patient by certified mail with return receipt requested.
4. Place a copy of Warning Letter #2 in the patient's record within the "Patient Documents" folder.
5. Notify Medical Director of incident, including the patient's name, medical record number, and the date and details of the incident.

Warning Letter – Abusive Behavior:

1. Complete the appropriate section of the Patient Noncompliance/Abusive Behavior Documentation Form and place form in patient's record within the "Patient Documents" folder.
2. Complete the BVCAA Warning Letter – Abusive Behavior.
3. Obtain signature from patient's provider (not a clinical staff member) on the completed warning letter.
4. Send warning letter to patient by certified mail with return receipt requested.
5. Place a copy of the BVCAA Warning Letter – Abusive Behavior in the patient's record under the "Patient Documents" folder.
6. Notify Medical Director of incident, including the patient's name, medical record number, and the date and details of the incident.

Termination Letter:

1. Complete the appropriate section of the Patient Noncompliance/Abusive Behavior Documentation Form.
2. Send a copy of the Patient Noncompliance/Abusive Behavior Documentation Form to the Medical Director via fax or interoffice mail, and then place the form to patient's record within the "Patient Documents" folder.
3. Notify the appropriate administrator of the offense.
4. Medical Director discusses the situation with the administrator.
5. Only after the Medical Director verifies that the warning process outlined in this procedure has been followed explicitly*, the Medical Director sends the following to the patient **via certified mail** with return receipt requested:
 - a. Completed Termination Letter, signed by Medical Director
 - b. Release of Information form
 - c. List of Local Physicians to whom the patient may choose to transfer their care
6. Place a copy of the Termination Letter in the patient's record within the "Patient Documents" folder.
7. Medical Director notifies Practice Management Officer to flag patient's record for impending inactivation.
8. Patient is given 30 days to find another provider, but still must be seen if requested during this time.
9. After 30 days from the date of the Termination Letter, patient record is inactivated by Practice Management Officer.

*The Medical Director will not send a termination letter if the warning process outlined in this policy has not been followed explicitly.

RELATED POLICY:

Patient Communication Regarding Noncompliance and Termination

REFERENCES:

See also

REQUIRED BY:

Federal Tort Claims Act (FTCA)

ATTACHMENTS/ENCLOSURES:

BVCAA Warning Letter #1
BVCAA Warning Letter #2
BVCAA Warning Letter – Abusive Behavior

BVCAA Termination Letter
Patient Noncompliance/Abusive Behavior Documentation Form
Patient and Center Rights and Responsibilities (“Center Rules”)
List of Local Physicians (by site)
Release of Information form
Occurrence Report

POLICY/PROCEDURE TRACKING FORM (to be added as last page of each P&P for documentation of changes)

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Date of Revision		Description of Changes		
10/23/2013		Updated format; Added statement re: delivery of letter to patient		