Lesson 1: Introduction
Lesson 2: Corporate Compliance and Ethics
Lesson 3: Patient Rights
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| Welcome to Rapid Regulatory Compliance: Non-clinical: Part I. 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 non-clinical staff. If you are new to any of the topics presented here, consider taking the full-length course on that topic.  

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 JCAHO.
Lesson 2: Compliance and Ethics

Introduction

Welcome to the lesson on compliance and ethics.

This lesson covers:
- Corporate compliance
- Sexual harassment
Corporate compliance means following business laws.
Laws for healthcare are:
- Medicare regulations
- 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 on the following screens.
Let’s look first at:
- Medicare regulations
- 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 care
- Not bill Medicare for costs that are higher than the usual cost
- Follow other rules for claims and billing

**False Claims Act**
The False Claims Act makes it illegal to submit a falsified bill to a government agency. This applies to healthcare because Medicare is a government agency.

**Stark Act**
The Ethics in Patient Referrals Act (EPRA) is also called 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.*
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.

**CLICK TO REVEAL**

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

**Sections of the Social Security Act**
The Social Security Act makes it illegal for hospitals to:
- Pay physicians to encourage them to limit services to Medicare or Medicaid patients.
- Offer gifts to Medicare or Medicaid patients, to get their business

**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.
Finally, let’s look at:
- EMTALA
- HIPAA

Click on each for a brief review of key points.

**EMTALA**
The Emergency Medical Treatment and Active Labor Act (EMTALA) is also called the Patient Anti-Dumping Statute. This statute requires Medicare hospitals to provide emergency services to all patients, whether or not the patient can pay.

**HIPAA**
HIPAA is the Health Insurance Portability and Accountability Act. This act requires healthcare businesses to follow standards for:
- How to perform electronic transactions
- Security of health information
- Privacy of health information
- Identifiers for health business employers
When a provider is convicted of breaking any of the laws for healthcare, 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.
To help prevent misconduct, healthcare facilities have *corporate compliance programs*.

A good compliance program reduces the risk of 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.
Sexual Harassment

Title VII of the Civil Rights Act of 1964 defines sexual harassment. This definition is summarized in the graphic to the right.

To work toward eliminating sexual harassment in your facility:
- Be aware of the definition.
- If you are a victim, confront the harasser directly, if you feel able to do so.
- Follow your facility's policies and procedures for reporting harassment.
Lesson 3: Patient Rights

Introduction

Welcome to the lesson on patient rights.

This lesson addresses:
- Confidentiality
- Patient participation in treatment decisions
- Respect, safety, and nondiscrimination
- Grievances
Patients have the right to privacy and confidentiality.

Always use a private place for:
- Case discussion and consultation
- Patient examination and treatment

A patient’s medical records may be shared with:
- Clinicians involved in the patient’s case
- Regulatory agencies looking into a facility’s quality of care
- Other people with a legal or regulatory right to see the records

Protected healthcare information should not be shared with ANYONE else.

Only authorized employees should have access to areas where medical records are stored.
The HIPPA Privacy Rule is part of HIPAA.

The Privacy Rule:
- Sets standards for when patient information may be disclosed
- Sets standards for protecting the privacy of patient information
- Sets severe civil and criminal penalties for people who violate a patient’s privacy

To maintain compliance with HIPAA:
- Share patient health information only with people who need to know.
- When there is a need to know, share the minimum amount of information needed.
Patient confidentiality is not absolute.

A provider may have a duty to breach confidentiality in some cases.

Examples are:
- A patient threatens serious self-harm or harm to someone else.
- The patient is a suspected victim of child abuse or neglect.
- The information relates to a crime.
- The patient is a healthcare provider, and has a condition that makes him or her a danger to patients.
- The patient is not fit to drive.
Confidentiality: Necessary Breaches

Before revealing patient information, be sure to check state and local law.

Review HIPAA guidelines for allowed disclosures of protected health information.

If you decide to go forward with a disclosure:
- Talk to the patient first. Ask for the patient’s consent. Ideally, the patient will consent to the disclosure. If not, it is still okay to reveal the information, if you have determined that it is legal and ethical to do so.
- Disclose the information in a way that minimizes any harm to the patient.
- Follow state and federal guidelines for disclosing the information.
Patients have the right to:
- Participate in decisions about their care.
- Set the course of their treatment.
- Refuse treatment.

To make informed decisions about treatment, patients must be given full and accurate information.

IMAGE: 3006.SWF/FLA
Patients have the right to respectful care.

Respect means valuing the patient's:
- Needs
- Desires
- Feeling
- Ideas

Treat patients with common courtesy.

For example:
- Knock and wait before entering a patient’s room.
- Respond politely to patients.
- Listen to patients.
- Remain compassionate.
Respect, Safety, and Nondiscrimination: Safety

Patients have the right to safety and security.

Do your part to ensure a safe environment of care for your patients.

Know your facility’s policies for:
- Environmental safety
- Infection control
- Security

Report to your supervisor immediately if:
- You think a patient may be a victim of abuse.
- A patient asks for protection from abuse.
All patients have the right to fair and equal healthcare. This is true regardless of:

- Race
- Ethnicity
- National origin
- Religion
- Political affiliation
- Level of education
- Place of residence or business
- Age
- Gender
- Marital status
- Personal appearance
- Mental or physical disability
- Sexual orientation
- Genetic information
- Source of payment
### Grievances

Patients have the right to complain about the quality of their care.

Many patient complaints can be addressed quickly.

When complaints cannot be resolved quickly and easily, patients have the right to file a grievance.

A grievance is a formal complaint.

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<th>Common Causes for Complaint</th>
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<tr>
<td>Waiting times</td>
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<tr>
<td>Operating hours</td>
</tr>
<tr>
<td>Conduct of staff</td>
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<tr>
<td>Adequacy of staff</td>
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<td>Grievances</td>
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If a patient wants to file a grievance:

- Explain the grievance process at your facility. This includes the name of the staff person the patient should contact.
- Explain that grievances may be filed with state agencies. This is true whether or not the patient has already used the facility’s internal grievance process.
- Give the patient the phone number and address for filing a grievance with the state.
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<thead>
<tr>
<th>#</th>
<th>Term</th>
<th>Definition</th>
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<tbody>
<tr>
<td></td>
<td>CDC</td>
<td>Centers for Disease Control and Prevention</td>
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<td>CMS</td>
<td>Centers for Medicare and Medicaid Services</td>
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<td></td>
<td>JCAHO</td>
<td>Joint Commission on the Accreditation of Healthcare Organizations</td>
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Final Exam

1. A Medicare patient comes to your facility with a sore throat and fever. A clinician performs a rapid strep test. This confirms that the patient has strep throat. Antibiotics are prescribed. The patient is sent home. Later, charges for a urinalysis and complete blood count are added to the Medicare bill. This is a violation of the:

   a. Stark Act
   b. False Claims Act
   c. Anti-Kickback Statute
   d. Patient Anti-Dumping Act

Correct: False Claims Act
Rationale: The False Claims Act makes it illegal to submit a false bill to a government agency.

2. You work at a walk-in clinic that sees Medicare patients. Your facility decides to make a deal with Dr. Goodheart. Whenever a Medicare patient needs a heart specialist, your facility refers the patient to Dr. Goodheart. In exchange, Dr. Goodheart pays your facility 10% of his Medicare payments. Who is violating the Anti-Kickback Statute?

   a. Only your facility
   b. Only Dr. Goodheart
   c. Both your facility and Dr. Goodheart
   d. Neither your facility nor Dr. Goodheart

Correct: Both your facility and Dr. Goodheart
Rationale: The Anti-Kickback Statute (AKBS) makes it illegal to GIVE or TAKE bribes, rebates, or kickbacks for Medicare services.

3. The ________ makes it illegal for a physician to refer patients to a facility, if the physician has a financial relationship with that facility.

   a. Stark Act
   b. False Claims Act
   c. HIPAA Privacy Rule
   d. Anti-Kickback Statute

Correct Answer: Stark Act
Answer Rationale: The Stark Act enforces ethics in referrals.

4. It is legal for hospitals to:

   a. (a) Offer gifts to Medicare patients to get their business.
b. (b) Offer kickbacks to local physicians for referring Medicare patients.
c. (c) Make payments to physicians to encourage them to limit services to Medicare patients.
d. Both A and C
e. None of the above

Correct Answer: None of the above  
Answer Rationale: These are all illegal.

5. Patients have the right to emergency medical care only if they can afford to pay.
   a. True
   b. False

Correct: False  
Rationale: Under EMTALA, all patients have the right to emergency medical care. It does not matter whether they can pay.

6. The federal law that sets standards for allowed disclosures of confidential patient information is:
   a. HIPAA
   b. EMTALA
   c. STARK II
   d. None of the above

Correct: HIPAA  
Rationale: If you are uncertain about when it is okay to disclose patient information, refer to HIPAA.

7. It is okay to share a patient’s medical records with:
   a. (a) Clinicians involved in the patient’s case
   b. (b) People with a legal right to view the records
   c. (c) Regulatory agencies looking into quality of care at the facility
   d. Both A and B
   e. All of the above

Correct: All of the above  
Rationale: All of these groups may see a patient’s medical records.

8. Patients have the right to complain about waiting times at a healthcare facility.
   a. True
   b. False
Correct answer: A
Rationale: Patients have the right to complain about healthcare services.

9. A patient has the right to refuse medical treatment.
   a. True
   b. False

Correct: A
Rationale: Patients have the right to make decisions about their own medical care. This right includes the right to refuse medical treatment.