I. SCOPE:

This policy applies to (1) Tenet Healthcare Corporation and its wholly-owned subsidiaries and affiliates (each, an “Affiliate”); (2) any other entity or organization in which Tenet Healthcare Corporation or an Affiliate owns a direct or indirect equity interest greater than 50%; and (3) any hospital or healthcare facility in which Tenet Healthcare Corporation or an Affiliate either manages or controls the day-to-day operations of the facility (each, a “Tenet Facility”) (collectively, “Tenet”).

II. PURPOSE:

The purpose of this policy is to establish a process whereby patients at Tenet Ambulatory Surgery Centers (each, a “Tenet ASC”) will be notified of their rights, including being provided with information regarding physician ownership in a Tenet ASC, if applicable.

III. DEFINITIONS:

A. “Physician-Owned Ambulatory Surgery Center” means any Tenet ASC which a physician has ownership or investment interest.

B. “Physician Owner” shall mean any physician, dentist or podiatrist who holds an ownership or investment interest in a Tenet ASC, whether through equity, debt or other means.

IV. POLICY:

The Centers for Medicare & Medicaid Services (CMS), state licensing entities and other accreditation bodies require Ambulatory Surgery Centers to notify patients of their rights and responsibilities. Included among these rights is the right of the patient to know if an ASC has physician owners in order to better assist patients in making informed decisions about their medical care. All Tenet ASCs shall comply with the patient notification standards set forth in this policy.

V. PROCEDURE:

A. Written Notice to Patients

The ASC must provide to each patient, prior to the start of the patient’s surgical procedure, a written notice that describes his/her rights and responsibilities (the “Notice”).

B. Contents of Notice

1. The Notice shall inform the patient of his/her rights, including:

   a. the right to be treated with respect, consideration and dignity;
b. the right to receive care in a safe setting, and be free from abuse, neglect, harassment, and exploitation;

c. the right to personal and data privacy, security and confidentiality, including:
   (1) the right to have patient disclosures and records treated with confidentiality; and
   (2) the opportunity to approve or refuse the release of his or her records, except when release is required by law.

d. the right to be fully informed about a treatment or procedure and the expected outcome before it is performed, and thus make informed decisions prior to the start of any procedure or treatment.
   (1) the patient is provided, to the degree known, complete information concerning his or her diagnosis, evaluation, treatment, and prognosis before treatment is performed. When it is medically inadvisable to give such information to a patient, the information is provided to a person designated by the patient or a legally authorized person.
   (2) the patient is given the opportunity to participate in decisions involving his or her health care, except when such participation is contraindicated for medical reasons.

e. the right to exercise advance directives, along with information regarding the ASC’s policies on advance directives, including a description of applicable state health and safety laws. If requested, the ASC shall provide copies of official state advance directive forms;

f. the right to voice suggestions, complaints and grievances regarding treatment or care that is (or fails to be) furnished, including the procedures for expressing such suggestions, complaints and grievances;

g. the right to change providers if other qualified providers are available;

h. the right to refuse to participate in experimental treatment;

i. the right to be informed of services available at the ASC, provision for after-hours and emergency care, fees for service, payment policies, and the credentials of healthcare professionals;
j. if a patient is adjudged incompetent under applicable state laws by a court of proper jurisdiction, the rights of the patient are exercised by the person appointed under state law to act on the patient’s behalf;

k. if a state court has not adjudged a patient incompetent, any legal representative or surrogate designated by the patient in accordance with state law may exercise the patient’s rights to the extent allowed by state law; and

l. the right to exercise his or her rights without being subjected to discrimination or reprisal.

2. The Notice shall inform the patient of his or her responsibilities, including:

a. the responsibility to provide complete and accurate information to the best of their ability about his or her health, any medications, including over-the-counter products and dietary supplements, and any allergies and sensitivities;

b. the responsibility to follow the treatment plan prescribed by his or her provider and to participate in his or her care;

c. the responsibility to provide a responsible adult to transport the patient home from the ASC and remain with him or her for twenty-four hours, if required by the patient’s provider;

d. the responsibility to inform his or her provider about any living will, medical power of attorney, or other advance directive that could affect his or her care;

e. the responsibility to accept personal financial responsibility for any charges not covered by his or her insurance/third party payer; and

f. the responsibility to be respectful of all health care professionals and staff, as well as other patients.

3. The Notice also shall address any rights and responsibilities conferred by state law.

4. The Notice shall provide patients with appropriate information regarding the absence of malpractice insurance coverage.

5. If applicable, the Notice shall provide a list of the ASC’s Physician Owners.
6. The Notice must include the name, address, and telephone number of a representative in the state agency to whom patients can report complaints, as well as the address of the web site for the Office of the Medicare Beneficiary Ombudsman (http://www.medicare.gov/navigation/help-and-support/ombudsman.aspx?Nav=Top).

C. Posting of Patient Rights and Responsibilities

The ASC must post copies of the patient rights and responsibilities in a place or places within the ASC likely to be noticed by patients (or their representatives, if applicable) waiting for treatment.

D. Maintenance of Physician Ownership List.

The chief administrative officer of each Physician-Owned Ambulatory Surgery Center, or such person’s designee, is responsible for reviewing and updating the list of the ASC’s owners or investors who are physicians (i) on an annual basis; and (ii) any time the ASC undergoes a change in physician ownership or investment interest.

E. Auditing and Monitoring

The Clinical Quality Department shall audit adherence to this policy in its Comprehensive Clinical Audits. Audit Services will audit adherence to this policy in its full scope audits.

F. Responsible Person

The Tenet ASC’s chief administrative officer is responsible for ensuring that all individuals adhere to the requirements of this policy. If the administrator is unable to create adherence to this policy, the chief administrative officer shall immediately report the non-adherence to this policy to the Tenet Compliance Department.

G. Enforcement

All Tenet ASC employees whose responsibilities are affected by this policy are expected to be familiar with the basic procedures and responsibilities created by this policy. Failure to comply with this policy will be subject to appropriate performance management pursuant to all applicable policies and procedures, up to and including termination. Such performance management may also include modification of compensation, including any merit or discretionary compensation awards, as allowed by applicable law.

VI. REFERENCES:

- 42 CFR § 416.50
- 42 CFR § 420.001 et seq.


- Accreditation Association for Ambulatory Health Care, Inc., 2012 Accreditation Handbook for Ambulatory Surgery Centers

- The Joint Commission