

§482.13(e)(7) - The attending physician must be consulted as soon as possible if the attending physician did not order the restraint or seclusion.

Interpretive Guidelines §482.13(e)(7)

The attending physician is the MD/DO who is responsible for the management and care of the patient. Hospital medical staff policies determine who is considered the attending physician. The intent of this requirement is to ensure that the physician who has overall responsibility and authority for the management and care of the patient is aware of the patient's condition and is aware of the restraint or seclusion intervention. It is important to consult with the attending physician to promote continuity of care, to ensure patient safety, and to elicit information that might be relevant in choosing the most appropriate intervention for the patient. The attending physician may have information regarding the patient's history that may have a significant impact on the selection of a restraint or seclusion intervention or an alternative intervention, and the subsequent course of treatment. Therefore, consultation should occur as soon as possible. Hospital policies and procedures should address the definition of "as soon as possible" based on the needs of their particular patient population(s). However, any established time frames must be consistent with "as soon as possible."

The hospital CoPs do permit the patient to be under the care of a treating LIP other than a physician. Section 482.12(c)(1) requires every Medicare patient to be under the care of a doctor of medicine or osteopathy; or, within the scope of their respective licenses, a doctor of dental surgery or dental medicine, a doctor of podiatry, chiropractor, or clinical psychologist. The individual overseeing the patient's care may be the attending physician or a health professional practicing with the delegated authority or supervision of a doctor of medicine or osteopathy as permitted by State law and hospital policy.

When the attending physician of record is unavailable, responsibility for the patient must be delegated to another physician, who would then be considered the attending physician.

This provision does not specify that consultation with the attending physician be face-to-face. The consultation can occur via telephone.

Survey Procedures §482.13(e)(7)

- Review the patient's medical record for documentation that the attending physician was notified immediately if the attending physician did not order the restraint or seclusion. Was the attending physician notified "as soon as possible?"

- Review the hospital's policies and procedures regarding consultation with the attending physician if the attending physician did not order the restraint or seclusion.
- Interview staff to determine if actual practice is consistent with written hospital policies and procedures.