

OFFICE OF PATIENTS' RIGHTS

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MEMORANDUM

TO: All Patients' Rights Advocates

FROM: Office of Patients' Rights

RE: Patients' Rights Policy and Procedure Reviews

DATE: May 9, 2000

One of the most important tasks a patients' rights advocate can undertake is to review facility policies. This proactive advocacy will enable the advocate to identify patients' rights problems before they occur and often provides a comprehensive way to monitor patients' rights issues. This memo summarizes the steps advocates can take to monitor patients' rights policies and procedures. Attached is a more comprehensive manual developed by OPR staff that will provide you with more in depth information.

What Makes Good Policy?

Before reviewing facility policies and procedures, advocates should have a good understanding of what makes a good policy. Good policy is consistent with the following benchmarks:

Good policy complies with the law.

While facilities may write policy that is more protective of clients' liberty, they cannot have policy that denies or restricts any rights guaranteed by state or federal law.

Good Policy is self- contained

Policies should stand alone. They should not refer to other policies or documents to clarify meaning.

Good Policy is written in plain English and is easy to understand

Policies should be written without convoluted sentences or unnecessary jargon. Policies should avoid vague or imprecise language. If you do not understand a policy, it is likely that others will be confused.

Good policy should address foreseeable scenarios.

Policies should anticipate exceptions and should address the procedures that will be taken in those circumstances.

Good policies should contain the following elements

The title/subject, effective date, authorizing signature for the policy
A statement of the purpose
A citation to the legal authority and/or standards
A clear statement of the policy (rationale, guiding principle, expected outcome)
The procedures for carrying out the policy (step-by-step process, what, who, when, where and how)
Exceptions to the policy, if any and alternative procedures to be followed

Preparing For the Policy Review

A policy review will be more effective if you prepare in advance. Preparation steps can include:

Determine What Policies and Procedures you want to review

Will the review be a focused monitoring, a general policy review or part of a complaint investigation?

Obtain Access to the Policies and Procedures

Welfare and Institutions Code Section 5542 gives patients' rights advocates access to hospital policies. Providing advance notice of your intent to review is the best way to avoid delay.

Keep a library of model or sample policies

These models will provide a convenient point of reference as you are reviewing policies.

Policy Review

Make two sets of the documents you are reviewing

Keep one "clean" set and use the other to write on and highlight as you review.

Is the policy clear and understandable

Highlight phrases that are unclear. You should be able to understand from reading the policy what should happen when staff uses a policy.

Is the policy consistent with law and regulation

Good policies will cite to statute or regulation. Check out the citations and make sure the policy is consistent with the law.

Look for what is missing

Does the policy make sense, can you understand what should happen if the policy was applied, is the policy consistent with what happens at the facility, is the policy consistent with what clients have told you.

After the Policy Review

Share Your Findings

Communicate your findings in writing and ask for a response.

Learn how procedure is developed and approved at the facility

The best way to influence facility policy is to have input while it is being developed and reviewed for updates and revisions.

Enforcement

Advocates should foster a cooperative relationship with the Local Mental health Director. If the facility's policies are out of compliance with requirements and the facility is unreceptive to your suggestions, you should ask the Director to assist you.

Licensing can review specific hospital policy as part of a complaint investigation and issue a Statement of Deficiency if the complaint is substantiated.

If you need assistance or have any questions please feel free to contact OPR staff.

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