



COVID-19 PANDEMIC RESOURCE 
INFORMED REFUSAL & REFERRAL
LIABILITY RECOMMENDATIONS

Members insured by NORCAL Insurance Company



INFORMED REFUSAL DURING THE COVID-19 PANDEMIC

Due to the COVID-19 pandemic, patients may experience anxiety about potentially being exposed to the virus. This might lead patients to be hesitant or refuse to go to healthcare facilities in order to obtain recommended lab tests, other studies or treatments. A patient with decision making capacity has a right to refuse recommended interventions. But the provider must ensure that the patient is appropriately informed of the necessity of the recommended tests, studies or treatments and the risks of refusing to have them done. Not only does the informed refusal process ensure that the patient has the necessary information to make an informed decision, it also supports the provider should the refusal result in litigation.

Consider the following recommendations

- › **Discuss** the necessity of the recommended tests/intervention and the consequences of not undergoing recommended interventions
 - If available and appropriate, educate that patient about alternatives to the refused intervention
 - Confirm the patient's understanding of the risks of refusing interventions:
 - Use the teach-back method; for example, ask the patient to explain their diagnosis and the consequences of refusing the intervention
- › Thoroughly **document** the informed refusal process and discussion including:
 - Information given to the patient about the risks of refusal and/or alternatives
 - The patient-specific issues discussed and any items that received special emphasis
 - Questions and/or concerns that the patient had and how they were addressed
 - The patient's reason for refusing treatment
 - Efforts undertaken to determine patient decision-making capacity when appropriate
- › When feasible, and especially when medical sequelae are foreseeable with a failure to adhere to recommended treatment or studies, present the patient with an **informed refusal form** ([download fillable PDF template](#)), or send a form via patient portal, email or text, that includes information about potential outcomes if interventions are refused and that the patient understood the ramifications of his or her decision
 - Provide the patient with a copy of the form (see sample form) and place a copy in the medical record
 - If the patient refuses to sign a form, include their declination in your documentation



INFORMED REFUSAL FORM
DOWNLOAD FILLABLE PDF

REFERRAL DIFFICULTIES DURING THE COVID-19 PANDEMIC

During the pandemic, providers may experience difficulty in referring patients to specialists due to reduction in specialist office visits and/or specialists temporarily closing their practices. It is important that providers document their efforts to secure a specialist visit for their patients.

Consider the following recommendations

- › Document the various aspects of the referral process and efforts to ensure continuity of care, including:
 - Rationale for referral decisions
 - Circumstances affecting ability to refer patients appropriately and difficulties engaging a specialist
 - Efforts to refer the patient and the patient's response to those efforts
- › Explore telehealth options for specialty care. Examples include TeleMed2U, DirectDerm, EyePACs
- › Contact the local medical society to seek assistance on finding an appropriate and available consulting physician

Our Risk Management team is committed to assisting you:



Monday-Friday from 8am – 8pm ET



855.882.3412



riskolutions@norcal-group.com