

COBRA COMPLIANCE FORM

Patient Name: _____

Date of Birth: _____

Medical Record #: _____

Place Patient Label

Consent-E
COBRA Compliance Form



IDN13150092

This form is to be completed 1) if any patient refuses a medical screening examination or 2) if a patient has been determined to have an unstable medical condition or is in active labor and refuses medical treatment, refuses transfer to another facility or accepts/requests transfer to another facility.

I, the patient or a person acting on the patient's behalf, after being offered an appropriate medical screening examination, have been advised of the risks and benefits of (1) the examination and/or treatment for the patient recommended by physicians of Rush University Medical Center, (2) the refusal to consent to such examination and/or treatment, (3) the transfer to another medical facility, or (4) the refusal to consent to such transfer to another medical facility. I have also been advised of the hospital's obligations under the Hospital Patient Protection Amendments (see reverse side of this form). I, or the person acting on the patient's behalf

Check the appropriate box(es) and state the reason(s) for a request or refusal to transfer:

- refuse the recommended examination and/or treatment
- accepts/requests transfer to another medical facility
Reason(s) for request for transfer: _____
- refuse transfer to another medical facility
Reason(s) for refusal to transfer: _____

Patient or Person Acting on Patient's Behalf

Witness

Date

Time

A.M. / P.M.

PHYSICIAN CERTIFICATION

Based upon the information available at the time of transfer, the medical benefits reasonably expected from providing appropriate medical treatment at another medical facility outweigh the increased risks to this patient and, in the case of labor, to the unborn child from effecting the transfer. A summary of the risks and benefits upon which this certification is based includes

- Patient or person acting on patient's behalf has refused to document above refusal.

Physician

A physician is not physically present in the emergency department at the time this patient is transferred; therefore, as a qualified medical person, I am signing this certification after consulting with Dr. _____ about the determination to transfer with the expectation that the physician will subsequently countersign this certification.

Qualified Medical Person

Physician Countersignature

Summary of Hospital Patient Protection Amendments

(42 U.S.C. 1395 dd (1994))

1. Any individual who comes to the emergency department (hereinafter "patient") and requests an examination or treatment for a medical condition must receive an appropriate medical screening examination within the capability of the emergency department, including available ancillary services to determine whether or not an emergency medical condition exists or determine if the patient is in active labor. If it is determined that the patient has an emergency medical condition or is in active labor, the patient i) must be provided with such medical examination and treatment as may be required to stabilize the medical condition or treat the labor or ii) may be transferred to another medical facility as provided in paragraph 2 below.
2. If the patient's medical condition has not been stabilized (i.e., material deterioration of the condition is likely, within reasonable medical probability, to result from the transfer of the individual from a facility), or is in active labor, the hospital may not transfer the patient unless i) after being informed of the hospital's obligations and of the risk of transfer, the patient, in writing, requests transfer to another medical facility or ii) a physician has signed a certification based upon the information available at the time of transfer, the medical benefits reasonably expected from providing appropriate medical treatment at another facility outweigh the increased risks to the patient, and in the case of labor, to the unborn child from the transfer and the transfer is an appropriate transfer to another medical facility or iii) if a physician is not present in the emergency room, a qualified medical person, who agrees and later countersigns the certification or iv) the certification contains a summary of the risks and benefits upon which it is based.
3. A hospital meets the requirements of paragraph 1 if a hospital offers the individual further medical examination and treatment and information concerning the risks and benefits of such examination and treatment, but the individual refuses to consent to the examination or treatment.
4. A hospital meets the requirements of paragraph 1 when a hospital offers to transfer the individual to another medical facility and provides information concerning the risks and benefits of such transfer, but the individual refuses to consent to the transfer.
5. If, after an initial examination, a physician determines that the patient requires the services of a physician listed by the hospital on its list of on-call physicians and notifies the on-call physician and the on-call physician fails or refuses to appear within a reasonable period of time, and the physician orders the transfer of the individual because the physician determines that without the services of the on-call physician, the benefits of transfer outweigh the risks of transfer, the physician authorizing the transfer shall not be subject to such penalties, but the hospital or the on-call physician who failed or refused to appear shall be subject to such penalties provided for under the Hospital Patient Protection Amendments.
6. Definitions.
 - (a) **Appropriate transfer.** An appropriate transfer to a medical facility is a transfer
 - (i) in which the receiving facility has available space and qualified personnel for the treatment of the patient and has agreed to accept transfer of the patient and to provide appropriate medical treatment;
 - (ii) in which the transferring hospital provides the medical treatment within its capacity which minimizes the risks to the individual's health, and in the case of a woman in labor, the health of the unborn child;
 - (iii) in which the transferring hospital sends to the receiving hospital all medical records (or copies thereof) related to the emergency condition available at the time of the transfer, including records related to the individual's emergency medical condition, observations of signs or symptoms, preliminary diagnosis, treatment provided, results of any tests, and the informed written consent or certification provided under paragraph 2 above and the name and address of any on-call physician who has refused or failed to appear within a reasonable time to provide necessary stabilizing treatment; and
 - (iv) in which the transfer is effected through qualified personnel and transportation equipment, as required, including the use of necessary and medically appropriate life-support measures during the transfer.
 - (b) **Emergency medical condition.** An emergency medical condition means a medical condition manifesting itself by acute symptoms of sufficient severity (including severe pain) such that the absence of immediate medical attention could reasonably be expected to result in:
 - (i) placing the health of the patient (or, with respect to a pregnant woman, the health of the woman or her unborn child) in serious jeopardy,
 - (ii) serious impairment to bodily functions, or
 - (iii) serious dysfunction of any bodily organ or part.

With respect to a pregnant woman who is having contractions:

- (i) that there is inadequate time to effect a safe transfer to another hospital before delivery, or
 - (ii) that transfer may pose a threat to the health or safety of the woman or the unborn child.
- (c) **To stabilize.** The term to stabilize means with respect to an emergency condition, to provide such medical treatment of the condition as may be necessary to assure, within reasonable medical probability, that no material deterioration of the condition is likely to result from or occur during the transfer of the patient from a facility.
 - (d) **Person acting on patient's behalf.** This person may be a spouse, a parent, a legal guardian, or person acting under a durable power of attorney.