

31st Annual Health Law Conference  
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# Operational Hot Button Issues

D. Cameron Duncan III  
Texas Hospital Association

Joanne P. Hopkins  
Law Office of Joanne P. Hopkins

Kathy L. Poppitt  
King & Spalding

## Topics

- In-Hospital/ Health care facility DNR issues
- NPDB Guidebook updates
- Texas Medical Disclosure Panel proposed rules
- Hospital admitting privileges for AHPs
- ACO NPDB Reporting Obligations
- Surprise Billing
- Nurse Staffing Laws
- Behavioral Health Holds
- Prescription Monitoring Program
- HHS HIPAA Request for Information
- Trauma and Telemedicine

## In-Hospital/ Health care facility DNRs

- DNR orders in ED
  - Out-of-Hospital DNR form
  - In-Hospital DNR order
  - Door #3
- Attending Physician – can there be more than one?
- Revocation of In-Hospital DNR
  - Patient
  - Legal guardian or MPOA agent

## In-Hospital/ Health care facility DNRs

- Provider – Patient dispute over order
  - Subchapter E provides for notice and reasonable attempt to transfer patient to another provider
  - No reference to use of hospital ethics committee
- Amending medical staff bylaws
  - How much detail is required
  - Cross-referencing medical staff/ hospital policies

## 2018 NPDB Guidebook Revisions

- Length of restriction – actual length controls
- Voluntary agreement while under investigation is reportable
- LOA while under investigation is reportable
- Reappointment inquiry that deviates from routine may be seen as investigation
- Resignation while under QIP/ PIP may be reportable (as may be QIP/ PIP)

## 2018 NPDB Guidebook Revisions

- Requiring first assistant is considered a reportable restriction
- Expiration of appointment term while under investigation is reportable
- Court order may mandate second report

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