

Hiring External Care Providers

OVERVIEW OF ISSUE

Admitted patients (may include families/substitute decision makers) are increasingly hiring regulated and non-regulated healthcare providers to provide additional patient care. Honouring patient autonomy to hire an external healthcare provider while reducing organizational liability can be challenging. Supporting these requests and maintaining fiduciary and ethical responsibilities to the patient requires open communication and proactive risk management practices. One such practice is to not assume the responsibility of hiring, screening and/or credentialing of the external care provider (rests with the patient) while ensuring the healthcare provider is oriented to the healthcare organization's policies and reporting relationships to employed staff (responsibility of the healthcare organization).

Refer to related Risk Notes for details:

- [Contracts – Indemnification and Hold Harmless Clauses, Insurance Clauses, Overview of Key Principles, Important Clauses and Waivers.](#)

KEY POINTS

- Avoid credentialing, hiring, terminating, paying or supervising the healthcare provider.
- Collect proof of liability insurance.
- Obtain proof that the healthcare provider is in good standing with college (regulated) or association (unregulated).
- The healthcare provider must comply with all healthcare organizational policies.
- Ensure there is a signed Agreement and Waiver from the patient.

THINGS TO CONSIDER

The Healthcare Organizational Policy

- Inform patients of their responsibilities related to hiring an external healthcare provider.
- Develop a standardized external healthcare care provider policy/protocol addressing: regulated, unregulated and alternative/complementary care providers; an agreement; and a liability waiver.

An Agreement

The patient should attest to an agreement before an external healthcare provider can provide service. This should include:

- Credentialing requirements (see section below for details).
- Roles and responsibilities of the patient, healthcare provider and clinical team.
- Expectations for regulated provider to act within their scope of practice and for unregulated providers to act within their range and competencies.

- Process for regular clinical collaboration (not supervision) to reduce possibility of patient harm.
- Expectations of compliance with healthcare organization related policies (e.g. confidentiality agreement, security, occupational health and safety requirements [i.e. TB testing] and infection control).
- Restrictions regarding the use of the healthcare organization's equipment and therapy space.
- Process for the healthcare provider to access and document in the health record or for the healthcare provider to provide documentation to be included in the patient's health record.
- Reasons for discontinuing the services of the provider.
- Requirement for both the patient and healthcare provider to review and sign the Agreement.

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Liability Waiver

The patient should sign a waiver acknowledging that:

- The healthcare provider was hired by the patient and not as a recommendation by the healthcare organization.
- The patient discharges the healthcare organization's employees, medical staff, agents, directors, officers and trustees from liability in the event issues/harm arises due to the healthcare provider's acts.

Hiring, Screening and/or Credentialing the Provider

- The patient who hires the healthcare provider assumes the hiring, screening and/or credentialing responsibilities. It is important to ensure that the patient collects and verifies the information and provides the healthcare organization with a copy of the required documentation.
- The healthcare organization should not collect the documents from the healthcare provider directly.
- All required documentation is reviewed for completeness against policy requirements and a copy placed in the health record before any service can proceed.

Required Credentialing Documentation

- Current and valid professional liability insurance with coverage of at least \$5,000,000, any one occurrence, if there will be physical contact with the patient and \$2,000,000, any one occurrence, if no physical contact will occur. Note: HIROC coverage is not extended to external healthcare providers.
- Personal injury insurance or WSIB coverage.
- Police background check or vulnerable persons check if appropriate.

Regulated Health Professionals - additional documentation

- Current original certificate of registration of good standing with their regulatory college.

Unregulated Health Professionals - additional documentation

- Appropriate original credentials (e.g. Ontario College of Reflexology).
- Proof of external supervision by a regulated health professional if necessary.

REFERENCES

- HIROC claims files.
- Toronto Rehabilitation Institute. (2008). Regulated and non-regulated privately employed external healthcare providers.