

MDS Alert

Reader Question: Allow AMA Leave During PHE

Question: Did the rules around discharging against medical advice (AMA) change at all during the COVID-19 pandemic?

Louisiana Subscriber

Answer: In short, no; it's unlawful to detain a resident in a facility who wants to leave, even if leaving is against medical advice.

"Because of the risks of transmission of COVID-19, facilities should strongly discourage residents from leaving the facility and follow the guidelines released by local or state jurisdictions," the Centers for Medicare & Medicaid Services (CMS) says in a memorandum to state survey agency directors.

That said, if a resident insists on leaving, the facility must allow the person to leave and should encourage certain pandemic hygiene, like wearing a face mask and washing hands. If the facility has any hand sanitizer to spare, CMS recommends offering some to the resident in question. One more thing: Document everything.

"... Document in the resident's medical record how the facility discouraged leaving and explained the risks of leaving to the resident and/or resident representative," CMS says.