

**Clarification:**

Contracting for Services with Accredited or Certified Organizations

Current Joint Commission leadership Standard LD.04.03.09 requires that organizations ensure that care, treatment, and services provided through contractual agreement are provided safely and effectively. Organizations must monitor contracted services and staff just as they must monitor direct employees.

The Joint Commission does not require organizations to manually verify human resources files for every employee of a contracted service; however, an organization may choose to do so in accordance with the due diligence performed of its contracted service (as described below). For example, if a Joint Commission–accredited hospital contracts with an ambulatory health care organization accredited by The Joint Commission or a Joint Commission–certified health care staffing service firm, the hospital does not need to request information from the organization or firm to demonstrate compliance with similar Joint Commission requirements.

Many accredited ambulatory care organizations and certified health care staffing firms have had to spend time and resources on a daily basis to address numerous requests for additional and employee-specific information related to the human resources and other standards. This results in redundant work for both parties as well as a potentially adversarial relationship between hospitals and ambulatory care or staffing providers as the contracted organization balances the need for personnel privacy with the demands of their customers.

**Orienting Contract Staff**

Contracted staff should also not be required to participate in full employee orientation programs, which can last as many as two full days. Although orientation to key areas such as emergency preparedness, infection control, safety, and security is critical, full orientation is not necessarily an effective use of contracted staff time, and often reduces actual patient care time. For example, contracted staff should not be required to sit through an employee benefits program, which is irrelevant and does not contribute to patient care. If specified in the contract, the contracting organization can rely on the contract staff provider to complete annual in-service training, many topics of which are the same as those required by the customer (such as Health Insurance Portability and Accountability Act [HIPAA] requirements, infection control, population-specific health care, cultural diversity, proper lifting techniques, and so forth).

Certainly, it’s important for hospitals to share critical information with accredited ambulatory organizations and certified health care staffing firms to make sure that contracted staff receive comprehensive, effective, and targeted orientation to their specific location. For example, if a hospital can partner with its contractor to develop site-specific risk assessments for both hazard vulnerability analyses and infection control, the contractor can identify common risks and ensure that relevant policies and processes have similar focus on patient care and safety.

**Put It in Writing**

A contract between the organization and the contracted service provider must define the expectations of the contract, including human resource expectations. Standards from the “Human Resources” chapter of the accreditation manual apply to any contracted service that provides any element of care or service which is eligible for survey (with the exception of the delivery of certain home medical equipment provided by common carriers).

The contract should specify that the contracted organization will provide only staff who are qualified in relation to their education, training, licensure, and competence as defined by the contracting organization. Other information the contracted organization should verify includes orientation, performance evaluations, health status, background checks, and any applicable references.

**Perform Due Diligence**

While contracting with a Joint Commission–accredited or certified organization does not, in and of itself, ensure compliance with human resources and other related standards, an organization can take steps to verify the contracted service provider conducts its human resources functions in full compliance with Joint Commission standards. When contracting for staff, the organization should:

- Define within the contract the required qualifications for the contracted staff
- Review the personnel practices of the contracted organization to assess compliance with its own and Joint Commission requirements (for example, who will complete competence assessments)
- If the contracted organization’s practices are acceptable, the organization can accept those practices for the provided contracted personnel
- If the contracted organization’s practices are not acceptable, the organization can define in the contract the specific requirements or perform the requirements itself

These requirements do not apply to licensed independent practitioners. (This version contains a correction to the last line.)