

Consent Forms – A Guide for Healthcare Providers

Mar 17, 2025 | General

As healthcare providers, patient consent forms are essential not only for legal compliance but also for maintaining trust with patients. These forms go beyond procedural consent and play a key role in setting expectations regarding the treatment to be rendered, practice financial policies, HIPAA compliance, and other office policies to ensure an efficient patient experience. As such, performing reviews of practice consent forms are crucial to ensure your practice remains protected and up to date.

The Importance of Consent Forms in Healthcare Practices

Providing clear and thorough consent forms ensures that patients understand their treatments, associated risks, and alternatives. However, many other aspects of running a healthcare practice also require patient consent. It is essential to have comprehensive consent forms to protect the practice and to put the patient on notice. Some forms, include, but not limited to the following:

- **Financial Policies** – Addressing payment expectations, insurance coverage, and billing procedures.
- **HIPAA and Privacy Protections** – Including consents for photographs, video recordings and testimonials.
- **The No Surprises Act Waiver Form** – This covers out-of-network billing and unexpected costs and understanding that the patient is

agreeing to see a provider out-of-network and thus, responsible for all payments directly.

- **Minors and Parental Consent** – Ensuring legal compliance when treating underage patients.
- **Office Policies** – This can cover items such as cancellations, no-show fees, and patient dismissal protocols.
- **TeleMedicine Form** – This provides information to the patient about what to expect when receiving virtual care, what their responsibility is and excluding certain foreseeable issues from becoming the liability of the practice.

While some practices hesitate to provide multiple forms, fearing that patients may feel overwhelmed, these consent forms serve to protect both the patient and the practice by ensuring transparency and compliance with evolving regulations.

How Often Should Consent Forms Be Reviewed and Signed?

Each time a treatment or procedure is performed, the patient should sign a consent form specific to that service. However, for patients who visit regularly—whether for annual checkups or ongoing care—it is advisable to provide updated office policies and consent forms on a **yearly basis**. This ensures that:

- Patients remain informed of policy updates.
- The practice stays compliant with current laws.
- The most recent forms are on file in case of disputes.
- Allows the patient to update the practice on any changes in their health and/or their medications and supplements.

A well-maintained consent process reduces misunderstandings and potential legal complications. It also allows the practice to be able to provide adequate care to the patient, based on the patient's individual health.

Working with Professionals to Stay Compliant

Keeping up with regulatory changes and ensuring that all forms are up to date can definitely feel overwhelming for any practice owner. Working with other licensed professionals is crucial to assist the practice in maintaining compliance within their field, as well as for financial and legal concerns. The practice's attorney, certified public accountant, insurance broker or healthcare consultant can help review consent forms annually, ensuring they reflect:

- **Legal updates** – Changes in local, state or federal laws, including any changes in insurance coverage.
- **Financial adjustments** – Updates to in-network versus out-of-network policies.
- **Practice modifications** – Changes in office policies, staffing, or procedures.
- **Insurance Coverage** – Confirming that the practice has the appropriate insurance coverage in order to maintain their practice, including but not limited to, malpractice, commercial liability, business interruption, disability and cyber insurance, which can all have a role in any potential issues with patient consent forms.

By partnering with experts, healthcare providers can focus on patient care without worrying about compliance risks.

Final Thoughts

If you have any doubts about whether your consent forms are up to date, or if you need assistance updating them, it is important to consult a legal professional or industry expert. Ensuring that patients review and sign these documents **annually** will help prevent miscommunications and legal issues while strengthening the patient-practice relationship.

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