

**Legal, Risk Management and JCAHO Issues for Healthcare Organizations**

American Society of Directors of Volunteer Services. (2000). Washington, D.C.: American Hospital Association. (117 pp.; paperback)

**Legal, Risk Management and JCAHO Issues for Healthcare Organizations:  
Addendum I**

American Society of Directors of Volunteer Services. (2004). Washington, D.C.: American Hospital Association. (96 pp.; paperback)

**Reviewed by:** Mary Kay Hood, Hendricks Regional Health, Danville, IN, USA.

The American Society of Directors of Volunteer Services (ASDVS), a professional membership group of the American Hospital Association (AHA), has as its primary mission to: Strengthen the profession of volunteer services administration; provide opportunities for professional development; promote volunteerism as a resource in serving the healthcare needs of the nation; support healthcare volunteerism; and forge alliances to build healthy communities. To this end, ASDVS works to provide materials that will be beneficial to those in volunteer management/coordination roles for healthcare organizations. Healthcare organizations, as defined by ASDVS, represent all hospitals, medical centers, healthcare networks, long-term care facilities, clinics, and other facilities providing healthcare.

One useful publication, authored by a coalition of volunteer directors throughout the country in a collaborative effort, is *Legal, Risk Management and JCAHO Issues for Healthcare Organizations*. Originally published in 2000, there is an *Addendum I*, published in 2004, reflecting updated information regarding laws and best practices for the volunteer field in healthcare organizations.

The primary purpose of the 2000 publication is to “encourage quality performance for healthcare organizations.”

While “many laws do not directly indicate volunteers,” it is smart business sense to understand the legality regarding employment and follow those same guidelines when dealing with volunteers. With a caveat to verify local laws, this guide takes a manager of volunteers through all aspects of legal and risk management issues.

With an eye on all aspects of volunteer management, this manual focuses attention on legal entities that fall under scrutiny when managing/directing a volunteer program. Beginning with legal definitions of a volunteer, the first chapter also discusses the National Volunteer Protection Act of 1997 with some explanation of liability as it pertains to a volunteer or volunteer department. The next chapters discuss various laws having implications for volunteer programs: e.g., the Fair Labor Standards Act (FLSA), child labor laws, the American with Disabilities Act (ADA), Occupational Safety and Health Act (OSHA) and the Health Insurance Portability and Accountability Act (HIPAA). Not only are these laws explained, but there are also recommendations included on how these laws affect a volunteer program and what steps the program manager should take to ensure compliance with legal entities.

There are sections on best practices when it comes to harassment, background checks, ergonomics, workplace violence,

confidentiality, and disciplinary action including definitions, sample forms, and policy statements that can easily be formatted to each healthcare organization. Additional resources are cited at the end of each chapter to provide more depth and validity to the content.

Because of the accreditation of healthcare organizations as a process to “maximize service excellence, productivity, and safety,” there is a small section in the original 2000 publication about the Joint Commission on Accreditation of Healthcare Organizations (JCAHO), with an expanded section of ASDVS’ interpretation of JCAHO standards in 2004. While this information is good, anything in writing regarding JCAHO standards is only good for the year that it is published because the JCAHO standards are changed and updated annually. Although the

*Addendum I* makes mention of additional up-to-date resources available to volunteer directors for JCAHO standards, JCAHO is not the only accreditation body. While the majority of healthcare organizations may follow the JCAHO standards, the books fall short of discussing other accreditation entities.

However, in following the recommendations outlined throughout these manuals with regard to legal matters, risk management and the law, any accreditation standard by JCAHO, Healthcare Facilities Accreditation Program (HFAP), or some other accreditation body should pose no threat to the volunteer director who focuses on good business practices for volunteer programs in healthcare organizations.

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#### **About the Reviewer**

Mary Kay Hood is the Director of Volunteer Services at Hendricks Regional Health. She is a national speaker on all aspects of volunteer management and author of *The One Minute Answer to Volunteer Management Questions*. Mary Kay has an M.S. degree and serves currently as president of the Indiana ASDVS affiliate, the Indiana Society of Director of Volunteer Services (ISDVS).