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CMS Allows for “Verbal Consent” by COVID-19 Patients

Several weeks ago, Page Wolfberg & Wirth (PWW) and other industry groups asked CMS for relief from signature rules because of the impracticability of obtaining Assignment of Benefits (AOB) signatures from suspected or actual COVID-19 patients.

As of April 13, 2020 CMS announced that the ambulance crew can obtain “verbal consent” from the patient to sign on the patient’s behalf, and then an ambulance service crew member may sign in place of the patient. The crew should document that the patient gave this verbal consent to sign. CMS has determined that this meets the “good cause” provision of the signature rules, which states that if good cause is shown, CMS may honor signatures of persons other than the patient or authorized representatives.

EMS | MC is in receipt of the full PWW newsletter and the CMS Response regarding “verbal consent” for patient signatures. EMS | MC will accept the following unable to sign reasons for suspected COVID-19 Patients:

- Verbal Consent due to COVID-19
- Isolation Precautions
- Suspected Barrier Precautions

Of course, in the event the patient is physically or mentally incapable of signing, or giving this consent, there are other alternatives to obtaining the patient’s actual signature, such as an authorized representative signing on behalf on the patient. But in this unique circumstance, CMS is allowing the crew’s signature following verbal consent by an otherwise physically and mentally capable patient to serve as an acceptable signature.

Page Wolfberg & Wirth’s Recommendation: In cases of suspected or

known COVID-19 patients, where a patient who is otherwise physically and mentally capable of signing, crew members should document in the narrative of the PCR:

1. That the patient was a suspected or known COVID-19 patient (and the clinical documentation supports that conclusion);
2. That verbal consent of the patient to sign on their behalf was obtained by the crew;
3. Crew members should complete the PCR, along with the appropriate crew signatures, after proper removal of PPE and performing hand hygiene, per CDC guidelines.

Example: "Patient was a suspected (or known) COVID-19 patient and gave us verbal consent to sign on the patient's behalf."

The CMS Question & Answer Posted on 4/13/20 (Page 16, Q14) can be found [here](#). Please continue to clearly document the patient's condition and the reasons in which the patient was unable to sign.

If you have questions, feel free to reach out to your Strategic Account Manager (SAM) or Compliance.

Thank you,



Chief Compliance Officer
EMS Management & Consultants, Inc.

