



STATE OF NEW YORK DEPARTMENT OF HEALTH

433 River Street, Suite 303, Troy, New York 12180-2299

Richard F. Daines, M.D.
Commissioner

April 24, 2007
DPACS: 07-08

Dear Chief Executive Officer:

This purpose of this letter is to update facilities on recent amendments to federal regulations that impact hospital operations. The Department was advised of the following changes via transmittal from the Center for Medicare and Medicaid Services (CMS) and State Operations/Survey and Certification Group (copy enclosed). Effective January 26, 2007, the Hospital Conditions of Participation governing requirements for history and physical examinations, authentication of verbal orders, securing medications, and post-anesthesia evaluations were amended.

Specifically in regard to history and physical examination requirements and the authentication of verbal orders, existing State regulations *will* be amended to be consistent with federal requirements. Effective immediately, hospitals may adopt policies consistent with the amended federal rules as described below in advance of any change to State requirements. Existing State regulations and newly adopted federal rules specific to securing medications and post-anesthesia evaluations are consistent and no new State rule will be required.

Effective January 26, 2007, in regard to history and physical examination requirements and the authentication of verbal orders, CMS formally amended the Conditions of Participation for Hospitals as follows:

- Formal amendments were adopted to reflect language that had been previously provided as interpretative guidance in implementing requirements for the timing of the history and physical examination (H&P). Under the revised requirement, the history and physical for hospital patients must be completed no more than 30 days before or 24 hours after admission. When the H&P is completed within 30 days before the patient's admission, the hospital must ensure that an updated medical record entry documenting an examination for changes in the patient's condition is completed. This updated examination must be completed and documented in the patient's medical record within 24 hours after admission.

State regulations, Section 405.9 (b)(12) and 405.10(b)(2)(i), *will* be amended to reflect that every patient shall have a complete history and physical examination performed by a physician or an appropriately credentialed practitioner, privileged by the governing Board, within thirty days before or 24 hours after admission. The history and physical must be recorded in the patient's medical record within 24 hours after admission. When the history and physical is completed within the thirty days prior to admission, an examination to update any changes in the patient's health status, must be completed and documented in the patient's medical record within 24 hours after admission.

- Federal requirements pertaining to verbal orders were amended and now require that all orders, including verbal orders, must be dated and timed. Verbal orders must be authenticated within 48 hours by the prescribing practitioner or another practitioner responsible for the care of the patient, even if the order did not originate with him or her.

State regulations, Section 405.10(c)(8) *will be* amended to require authentication of verbal orders within 48 hours and will allow authentication of verbal orders by the prescribing practitioner or other practitioner responsible for the care of the patient.

Any questions regarding the information provided or specific to current State requirements should be addressed to this office at the above address or by phone at (518) 402-1003.

Sincerely,

Martin J. Conroy
Director
Division of Primary & Acute Care Services

Enclosure