TO: KHA Hospital CFOs
FROM: Deborah F. Stern
Vice President Clinical Services and General Counsel
DATE: November 11, 2013
RE: Inpatient Orders, Certifications and Non-Physicians

It appears that member hospitals may be unclear as to how to carry out the provisions of the new inpatient rule. This memo is being sent to help clarify the limitations of non-physicians with regard to writing inpatient orders.

In the August 19, 2013 Federal Register, the Centers for Medicare and Medicaid Services (CMS) published its revised Inpatient Rule, which applies to Critical Access and PPS hospitals, and narrowed the scope of practitioners who can write inpatient admitting orders. CMS then issued a five-page guidance on September 5, 2013 which addressed the requirements which must be met for a non-physician provider, such as a physician assistant, resident or advanced practice registered nurse, to admit patients to a hospital.

The guidance states that non-physicians can write an order to admit as long as the documentation (transcription) of the order is in accordance with State law including scope-of-practice laws and is not forbidden by hospital policies, medical staff bylaws, rules and regulations.

**Problem Number One.** Kansas regulations state that admitting privileges may be granted to any practitioner, but a practitioner is defined as a physician or dentist. That being said, the regulation has been interpreted as being exclusionary and prohibits non-physician providers such as physician assistants, or advanced practice registered nurses from having admitting privileges.

**Problem Number Two.** Hospital policies outlining who may admit a patient (as typically stated in a hospital’s Medical Staff Bylaws) may also create a barrier for non-physician providers. For example, the model KHA Bylaws that many hospitals have adopted, state in Article V – Allied Health Professionals, Section 5.3, “An Allied Health Professional may not independently admit patients.” Hospitals should also verify that their emergency physicians have admitting privileges at the hospital.

It appears that the most workable option is to have the non-physician provider communicate with the admitting physician and obtain a verbal or telephone order from the physician to admit the person as an inpatient. This order must identify the ordering physician and must be authenticated by him or her, or another physician with admitting privileges and knowledge of the patient’s condition, prior to the patient being discharged.

It should also be noted that for CAHs and PPS hospitals, only MDs and DOs are authorized to sign the newly required certifications for inpatient orders.