



Catherine B. Templeton, Director

*Promoting and protecting the health of the public and the environment*

June 15, 2012

**MEMORANDUM**

**TO:** Hospital Administrators

**FROM:** Gwen C. Thompson, Director  
Division of Health Licensing

Mary Jo Roué, Director  
Health Provider Division

**SUBJECT:** Federal and State Regulations - Authentication of Verbal Orders

Regulation 61-16, Standards for Licensing Hospitals and Institutional General Infirmaries, Section 601.6, establishes certain standards on the subject of prescriber signatures on verbal orders. Section 601.6 of R61-16 states, "Orders for Medication and Treatment: All medical records shall contain the orders for medication and treatment written in ink and signed and dated by the prescriber or his designee. All orders, including verbal orders, shall be properly recorded in the medical record and dated and signed by the prescriber or designee within 48 hours."

A memorandum to hospital administrators issued by the Department on August 11, 1999, acknowledged that § 44-30-90 of the S.C. Code had been amended effective June 11, 1999, and now includes the following text:

"...All orders for medication dispensed or treatment provided in a hospital shall be authenticated according to hospital policy. The orders shall be taken by personnel qualified by hospital medical staff rules and shall include the date, time, and name of the persons who gave the order, and the signature of the person taking the order..."

The amended statute supersedes the regulation and the August 11, 1999, memorandum. The statute also states:

"Effective immediately, for purposes of compliance with state licensing standards and in accordance with state law, hospitals which have established written policies regarding when verbal orders must be authenticated by prescribers will be required to comply with their policies on this subject...Hospitals which have not established policies regarding when verbal orders must be authenticated by prescribers shall comply with Section 601.6 of R61-16."

The Department's May 19, 1993, memorandum concerning "Advanced Technologies" provides guidelines related to authentication of physician orders, including guidelines related to authentication by electronic signatures as well as compliance with the provisions of the Pharmacy Practice Act, SC Board of Pharmacy regulations and Regulation 61-4, South Carolina Controlled Substances Regulation.

For Medicare Certification, current federal regulations and interpretive guidance for hospitals published in the State Operations Manual, Appendix A states that **"(482.24(c)(1)(iii) - All verbal orders must be authenticated based upon Federal and State law. If there is no State law that designates a specific time frame for the authentication of verbal orders, verbal orders must be authenticated within 48 hours."**

On October 24, 2011, the Centers for Medicare & Medicaid Services (CMS) published a proposed rule that proposed reforms in CMS regulations that were identified as unnecessary, obsolete, or excessively burdensome to health care providers and beneficiaries. The final rule "Medicare and Medicaid Program; Regulatory Provisions to Promote Program Efficiency, Transparency, and Burden Reduction CMS 9070-F" was published in the Federal Register on May 16, 2012. The effective date of this Final Rule is July 16, 2012.

With the publication of this final rule, is it expected that CMS will revise the Hospital/CAH Conditions of Participation so as to eliminate the 48 hour requirement for authentication of physician orders. It is also expected that CMS will make permanent the previous temporary requirement that all orders, including verbal orders, must be dated, timed, and authenticated by either the ordering practitioner or another practitioner who is responsible for the care of the patient, and who is authorized to write orders by hospital policy in accordance with State law.

There have been no regulatory revisions or interpretive guidance related to this Final Rule published by the CMS at this time; however, pending the release of official CMS guidance related to the publication of the Final Rule 9070-F, the SC DHEC Bureau of Certification will adjust the hospital survey process to reflect CMS guidance for hospital surveys.

Please contact Gwen Thompson, Director, Division of Health Licensing, at (803) 545-4370 for questions related to compliance with SC licensing standards for hospitals. Should you have questions regarding compliance with the Medicare Conditions of Participation (CoPs) for Hospitals, please call Mary Jo Roué, Director of the Division of Health Provider at (803) 545-4205.

GCT/tle/cbs

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