

[The governing body must:]

§482.12(a)(1) Determine, in accordance with State law, which categories of practitioners are eligible candidates for appointment to the medical staff;

Interpretive Guidelines §482.12(a)(1)

The governing body must determine, in accordance with State law, which categories of practitioners are eligible for appointment to the medical staff.

Physicians

The medical staff must, at a minimum, be composed of doctors of medicine or doctors of osteopathy. In addition, the medical staff may include other types of practitioners included in the definition of a physician in Section 1861(r) of the Social Security Act:

- Doctor of dental surgery or of dental medicine;
- Doctor of podiatric medicine;
- Doctor of optometry; and
- a Chiropractor.

In all cases, the practitioner included in the definition of a physician must be legally authorized to practice within the State where the hospital is located and providing services within their authorized scope of practice. In addition, in certain instances the Social Security Act and regulations attach further limitations as to the type of hospital services for which a practitioner may be considered to be a “physician.” See 42 CFR 482.12(c)(1) for more detail on these limitations.

The governing body has the flexibility, consistent with State law, to determine whether practitioners included in the definition of a physician other than a doctor of medicine or

osteopathy are eligible for appointment to the medical staff.

For Information Only – Not Required/ Not to be Cited

CMS expects that all physician practitioners granted privileges are also appointed as members of the medical staff. However, if State law limits the composition of the hospital's medical staff to certain categories of practitioners, e.g., only MDs or DOs, there is nothing in the CoPs that prohibits hospitals and their medical staffs from establishing certain practice privileges for other categories of physician practitioners excluded from medical staff membership under State law, or from granting those privileges to individual practitioners in those categories, as long as such privileges are recommended by the medical staff, approved by the governing body, and in accordance with State law. (79 FR 27114 - 27115, May 12, 2014)

For physician practitioners granted privileges only, the hospital's governing body and its medical staff must exercise oversight, such as through credentialing and competency review, of those other physician practitioners to whom it grants privileges, just as it would for those practitioners appointed to its medical staff.

Non-physician practitioners

Furthermore, the governing body has the authority, in accordance with State law, to grant medical staff privileges and membership to non-physician practitioners. The corresponding regulation at 42 CFR 482.22(a) allows hospitals and their medical staffs to take advantage of the expertise and skills of all types of practitioners who practice at the hospital when making decisions concerning medical staff privileges and membership. Granting medical staff privileges and membership to non-physician practitioners is an option available to the governing body; it is not a requirement.

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CMS expects that all practitioners granted privileges are also appointed as members of the medical staff. However, if State law limits the composition of the hospital's medical staff to certain categories of practitioners, e.g., only physician practitioners, there is nothing in the CoPs that prohibits hospitals and their medical staffs from establishing certain practice privileges for those specific categories of non-physician practitioners excluded from medical staff membership under State law, or from granting those privileges to individual practitioners in those categories, as long as such privileges are recommended by the medical staff, approved by the governing body, and in accordance with State law. (79 FR 27114 - 27115, May 12, 2014)

For non-physician practitioners granted privileges only, the hospital's governing body and its medical staff must exercise oversight, such as through credentialing and competency review, of those non-physician practitioners to whom it grants privileges, just as it would for those practitioners appointed to its medical staff.

Practitioners are described in Section 1842(b)(18)(C) of the Act as any of the following:

- Physician assistant (as defined in Section 1861(aa)(5) of the Act);
- Nurse practitioner (as defined in Section 1861(aa)(5) of the Act);
- Clinical nurse specialist (as defined in Section 1861(aa)(5) of the Act);
- Certified registered nurse anesthetist (as defined in Section 1861(bb)(2) of the Act);

- Certified nurse-midwife (as defined in Section 1861(gg)(2) of the Act);
- Clinical social worker (as defined in Section 1861(hh)(1) of the Act;
- Clinical psychologist (as defined in 42 CFR 410.71 for purposes of Section 1861(ii) of the Act);
- Anesthesiologist's Assistant (as defined at §410.69); or
- Registered dietitian or nutrition professional.

Other types of licensed healthcare professionals have a more limited scope of practice and usually are not eligible for hospital medical staff privileges, unless their permitted scope of practice in their State makes them more comparable to the above listed types of non-physician practitioners. Some examples of types of such licensed healthcare professionals who might be eligible for medical staff privileges, depending on State law and medical staff bylaws, rules and regulations include, but are not limited to:

- Physical Therapist (as defined at §410.60 and §484.4);
- Occupational Therapist (as defined at §410.59 and §484.4); and
- Speech Language Therapist (as defined at §410.62 and §484.4).

Furthermore, some States have established a scope of practice for certain licensed pharmacists who are permitted to provide patient care, services that make them more like the above types of non-physician practitioners, including the monitoring and assessing of patients and ordering medications and laboratory tests. In such States, a hospital may grant medical staff privileges to such pharmacists and/or appoint them as members of the medical staff. There is no standard term for such pharmacists, although they are sometimes referred to as "clinical pharmacists."

Practitioners may be granted active, courtesy, emergency, temporary, etc. membership or privileges in accordance with state law and as specified in the medical staff bylaws, rules, and regulations.

Survey Procedures §482.12(a)(1)

Review documentation and verify that the governing body has determined and stated the categories of physicians and practitioners that are eligible candidates for appointment to the medical staff or to be granted medical staff privileges.