

**A-0066**

**(Rev. 37, Issued: 10-17-08; Effective/Implementation Date: 10-17-08)**

**[...the governing body must ensure that the following requirements are met:]**

**§482.12(c)(2) (continued)**

**If a Medicare patient is admitted by a practitioner not specified in paragraph (c)(1) of this section, that patient is under the care of a doctor of medicine or osteopathy.**

**Interpretive Guidelines §482.12(c)(2)**

CMS hospital regulations do permit licensed practitioners (e.g., nurse practitioners,

midwives, etc), as allowed by the State, to admit patients to a hospital, and CMS does not require these practitioners be employed by a MD/DO. However, CMS regulations do require that Medicare and Medicaid patients admitted by these practitioners be under the care of an MD/DO. Evidence of being under the care of an MD/DO must be in the patient's medical record. If a hospital allows these practitioners to admit and care for patients, as allowed by State law, the governing body and medical staff would have to establish policies and bylaws to ensure that the requirements of 42 CFR §482 are met.

## **Midwife Patients**

42 CFR 482.1(a)(5) states, "Section 1905(a) of the Act provides that 'medical assistance' (Medicaid) payments may be applied to various hospital services. Regulations interpreting those provisions specify that hospitals receiving payment under Medicaid must meet the requirements for participation in Medicare (except in the case of medical supervision of nurse midwife services. See §§440.10 and 440.165 of this chapter)."

Midwives are not specified at 42 CFR §482.12(c)(1).

Section 482.1(a)(5), when taken together with this requirement (42 CFR 482.12(c)(2)) means that in a State that permits midwives to admit patients (and in accordance with hospital policy and practitioner privileges), CMS requires ONLY Medicare patients of a midwife be under the care of a doctor of medicine or osteopathy. CMS DOES NOT require Medicaid or other non-Medicare patients admitted by a midwife to be under the care of a doctor of medicine or osteopathy.

## **Survey Procedures §482.12(c)(2)**

If the hospital grants admitting privileges to these practitioners, select Medicare and Medicaid patients (select only Medicare patients for midwives) that are admitted to the hospital by these practitioners. Determine if the patient is/was under the care of an MD/DO.