

[The bylaws must:]

§482.22(c)(5) Include a requirement that --

(i) A medical history and physical examination be completed and documented for each patient no more than 30 days before or 24 hours after admission or registration, but prior to surgery or a procedure requiring anesthesia services, and except as provided under paragraph (c)(5)(iii) of this section. The medical history and physical examination must be completed and documented by a physician (as defined in section 1861(r) of the Act), an oral and maxillofacial surgeon, or other qualified licensed individual in accordance with State law and hospital policy

Interpretive Guidelines §482.22(c)(5)(i)

The purpose of a medical history and physical examination (H&P) is to determine whether there is anything in the patient's overall condition that would affect the planned course of the patient's treatment, such as a medication allergy, or a new or existing co-morbid condition that requires additional interventions to reduce risk to the patient.

The Medical Staff bylaws must include a requirement that an H&P be completed and documented for each patient no more than 30 days prior to or 24 hours after hospital admission or registration, but prior to surgery or a procedure requiring anesthesia services except when the patient is receiving an outpatient surgical or procedural services and when the medical staff has developed and maintained a policy (in accordance with §482.22(c)(5)(v)) that identifies specific patients that do not require a comprehensive medical H&P, or any update to it, prior to the specific outpatient surgery or procedure.

The H&P may be handwritten or transcribed, but always must be placed within the patient's medical record within 24 hours of admission or registration, or prior to surgery or a procedure requiring anesthesia services, whichever comes first.

An H&P is required prior to surgery and prior to procedures requiring anesthesia services, regardless of whether care is being provided on an inpatient or outpatient basis. (71 FR 68676) An H&P that is completed within 24 hours of the patient's admission or registration, but after the surgical procedure, procedure requiring anesthesia, or other procedure requiring an H&P would not be in compliance with this requirement.

The medical history and physical examination must be completed and documented by a physician (as defined in section 1861(r) of the Act), oral and maxillofacial surgeon, or other qualified licensed individual in accordance with State law and hospital policy.

Section 1861(r) defines a physician as a:

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

In all cases the practitioners 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 attaches further limitations as to the type of hospital services for which a practitioner is considered to be a “physician.” For example, a chiropractor is considered a physician only with respect to treatment by means of manual manipulation of the spine (to correct a subluxation).

Other qualified licensed individuals are those licensed practitioners who are authorized in accordance with their State scope of practice laws or regulations to perform an H&P and who are also formally authorized by the hospital to conduct an H&P. Other qualified licensed practitioners could include nurse practitioners and physician assistants.

More than one qualified practitioner can participate in performing, documenting, and authenticating an H&P for a single patient. When performance, documentation, and authentication are split among qualified practitioners, the practitioner who authenticates the H&P will be held responsible for its contents. (71 FR 68675)

A hospital may adopt a policy allowing submission of an H&P prior to the patient’s hospital admission or registration by a physician who may not be a member of the hospital’s medical staff or who does not have admitting privileges at that hospital, or by a qualified licensed individual who does not practice at that hospital but is acting within his/her scope of practice under State law or regulations. Generally, this occurs where the H&P is completed in advance by the patient’s primary care practitioner. (71 FR 68675)

When the H&P is conducted within 30 days before admission or registration, an update must be completed and documented by a licensed practitioner who is credentialed and privileged by the hospital’s medical staff to perform an H&P. (71 FR 68675) (See discussion of H&P update requirements at 42 CFR 482.22(c)(5)(ii).)

Surveyors should cite noncompliance with the requirements of 42 CFR 482.22(c)(5) for failure by the hospital to comply with any of this standard’s components.

Survey Procedures §482.22(c)(5)(i)

- Review the medical staff bylaws to determine whether they require that a physical examination and medical history be done for each patient no more than 30 days before or 24 hours after admission or registration by a physician (as defined in section 1861(r) of the Act), an oral and maxillofacial surgeon, or other qualified licensed individual in accordance with State law and hospital policy. Verify whether the bylaws require the H&P be completed prior to surgery or a procedure requiring anesthesia services.
- Review the hospital’s policy, if any, to determine whether other qualified licensed individuals are permitted to conduct H&Ps to ensure that it is consistent with the State’s scope of practice law or regulations.

- Verify that non-physicians who perform H&Ps within the hospital are qualified and have been credentialed and privileged in accordance with the hospital's policy.
- Review a sample of inpatient and outpatient medical records that include a variety of patient populations undergoing both surgical and non-surgical procedures to verify that:
 - There is an H&P that was completed no more than 30 days before or 24 hours after admission or registration, but, in all cases, prior to surgery or a procedure requiring anesthesia services, except when an assessment is completed and documented pursuant to §482.22(c)(5)(iii); and
 - The H&P was performed by a physician, an oral and maxillofacial surgeon, or other qualified licensed individual authorized in accordance with State law and hospital policy.