

APA-1
4/18

TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control 420 Alabama Department of Public Health

Rule Number 420-5-17-.14

Rule Title Physician Services

New Amend Repeal Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare or safety? No

Is there a reasonable relationship between the state's police power and the protection of the public health, safety or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? No

Are all facts of the rulemaking process designed solely for the purpose of and so they have as their primary effect, the protection of the public? Yes

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? No

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of §41-22-23, Code of Alabama, 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama, 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of Certifying Officer P. Brantley Date 1/14/2022

REC'D & FILED

JAN 20 2022

LEGISLATIVE SVC AGENCY

**FORM APA2
10/17**

**STATE BOARD OF HEALTH
NOTICE OF INTENDED ACTION**

AGENCY NAME: Alabama Department of Public Health

RULE NUMBER AND TITLE: 420-5-17-.14, Physician Services

INTENDED ACTION: To amend the current rules.

SUBSTANCE OF PROPOSED ACTION: These rules provide changes to certain sections of the department's rule governing Hospices which would permit licensed dietitians or nutritionists to prescribe special diets for patients if authorized to do so by the attending physician.

TIME, PLACE, AND MANNER OF PRESENTING VIEWS: A public hearing will be held on February 16, 2022, at 9:00 a.m., at the RSA Tower, Suite 1586, 201 Monroe Street, Montgomery, AL 36104.

FINAL DATE FOR COMMENTS AND COMPLETION OF NOTICE: Written or oral comments will be received until the close of the record at 5:00 p.m. on March 7, 2022. All comments and requests for copies of the proposed amendments should be addressed to the contact person listed below.

CONTACT PERSON AT AGENCY: Dana Billingsley, Office of General Counsel, Department of Public Health, P.O. Box 303017, Montgomery, Alabama 36130-3017, Telephone number: (334) 206-5209.



P. Brian Hale, Agency Secretary

420-5-17-.14 Physician Services.

- (1) Patients in need of health care which can be met by the hospice are admitted to the hospice only upon the recommendation of, and remain under the care of, a physician. Each patient or sponsor designates a physician.
- (2) There is made available prior to, or at the time of admission, patient information which includes current medical findings, diagnoses, and orders from the physician for the immediate care of the patient. A summary of prior treatments are made available at the time of admission or within 48 hours thereafter. The following provisions are applicable:
 - (a) If orders are from a physician other than the attending physician, they shall be communicated to the attending physician and verification of such shall be entered into the medical record by the nurse who took the orders from the physician.
 - (b) Physician's verbal orders for drugs, treatments, diets, etc., (e.g., oral orders, telephone orders, recopied orders, standing orders) are reduced to writing on the physicians' order sheet by a licensed nurse, physician, or pharmacist. They are dated and signed by the person receiving or transcribing the order. Such orders are dated and signed by the attending physician at the time of the next visit, but in no case longer than 30 days after dating and recording the order. Dietary counseling means education and interventions provided to the patient and family regarding appropriate nutritional intake as the patient's condition progresses and is provided by qualified individuals, which may include a registered nurse, dietician, or nutritionist, when identified in the patient's plan of care.
 - (c) The attending physician shall designate an alternate physician to attend the patient in his/her absence.
 - (d) The hospice has written procedures, available at the nurses' station, that provides for having a physician available to furnish necessary medical care in case of emergency.
 - (e) In each inpatient hospice the physician shall write/dictate, date, and sign a progress note at the time of each patient's visit or within ~~seven~~(7) days.
 - (f) In each inpatient hospice any changes in the interdisciplinary treatment team care plan shall be dated and signed by the physician at the time of each visit or within ~~seven~~(7) days.
 - (g) The physician is responsible for the development of a discharge summary within 30 days after discharge or death.
 - (h) Each inpatient hospice must have a list of names and telephone numbers of physicians to be called in the event of an emergency.

(3) Documentation of emergencies, accidents, and injuries.

All the hospices shall have policies and procedures established relative to documentation of emergencies, accidents, and injuries to patients and staff.

- (a) Sufficient information shall be documented in the medical record and/or on the accident and incident record to reflect facts about the incident, injuries, actions taken, and physician contacted. Dated and signed entries in the medical record and/or the incident and accident record shall be made by the physician and other appropriate hospice staff.
- (b) The manager and appropriate staff shall be provided written reports of accidents and injuries.
- (c) These reports shall serve the medical director and other appropriate staff as a basis for a written recommendation for corrective action.

Author: Jimmy D. Prince

STATUTORY AUTHORITY: Code of Ala. 1975, §§ 22-21-20, et seq.

HISTORY: New Rule: Filed August 20, 1993; effective September 23, 1993. **Repealed and New Rule:** Filed June 14, 2000; effective July 19, 2000. Amended: Filed XX-XX-XXXX; effective XX-XX-XXXX.