

Submitter : Dr. Larry Wolford
Organization : Dr. Larry Wolford
Category : Physician

Date: 05/23/2005

Issue Areas/Comments

GENERAL

GENERAL

I am an Oral and Maxillofacial Surgeon with a DMD degree, and have had privileges to perform History and Physical examinations (H&P) at every hospital that I have been on the staff since completing my residency 32 years ago. The privilege to perform H&Ps enables the trained Oral and Maxillofacial Surgeon to admit and properly take care of his/her own patients. H&P education is part of our educational curriculum for Oral and Maxillofacial Surgery training and is required for our programs to be accredited. Currently, there is a move by some hospital medical staffs to limit the H&P privilege to only those physicians with MD or DO degrees.

I have reviewed the proposed change to the CMS Conditions of Participation (CoP) related to H&Ps that would allow this service to be performed by a physician as defined by the Social Security Act. The Social Security Act defines physicians as doctors of medicine or osteopathy, doctors of dental surgery or dental medicine, doctors of podiatric medicine, doctors of optometry, and chiropractors. Some of these health care providers may not have the education and training to perform H&Ps and I therefore understand the concerns of hospital credentialing committees. Although I support the use of this "Physician" definition in most contexts, I am concerned that applying this definition to the H&P will cause hospital medical staffs to limit this privilege exclusively to MD/DOs and, as a result, negatively impact patient care. Some medical staffs are already attempting to change their bylaws to limit this privilege to MD/DOs, often because of their unfamiliarity with the education and training standards of non-MD/DO practitioners. Limitations or withdrawal of Oral and Maxillofacial Surgeons' H&P privileges would limit access for my patients (I have a hospital based practice), as well as maxillofacial trauma patients who would need my services, and would threaten the accreditation status of the 100 accredited Oral and Maxillofacial Surgery residency training programs in the USA.

I understand the motivation for using the Social Security Act's definition in the CoP is a result of concerns brought to your attention by podiatrists. Podiatrists with advanced training may be qualified to perform an H&P. I strongly support that the CoP should be revised to specifically include: a Doctor of Medicine or Osteopathy, an Oral and Maxillofacial Surgeon for patients admitted for Oral and Maxillofacial Surgery, and if they are trained to perform a complete H&P, and a doctor of Podiatric medicine who has completed an accredited podiatric residency program for patients admitted for podiatric surgery.

Thank you for consideration of these comments.

Sincerely

Larry M. Wolford, DMD
Clinical Professor, Oral and Maxillofacial Surgery
Baylor College of Dentistry, Texas A&M University System
Baylor University Medical Center, Dallas, TX

Submitter : Dr. Donald Blum
Organization : Podiatric Medicine and Surgery
Category : Physician

Date: 05/23/2005

Issue Areas/Comments

GENERAL

GENERAL

RE: CMS-3122-P

Hospital Conditions of Participation: Requirements for History and Physical Examinations; Proposed Rule (70 Fed. Reg. 15266, March 25, 2005)

Dear Dr. McClellan:

I am a podiatric physician and support the proposed revision to the Medicare Conditions of Participation (CoPs) for Hospitals, which specifies that a medical history and physical examination must be completed for each patient by a physician (as defined in section 1861(r) of the Act) or other qualified individual who has been granted these privileges by the medical staff in accordance with State law.

Podiatric physicians attend four years of podiatric medical school after college and, as part of the educational experience, receive training in the classroom and in clinical settings in the performance of histories and physicals (H&Ps). Upon graduation from a podiatric medical school, individuals are fully qualified to perform H&Ps.

Based on the education, training and experience of podiatric physicians, I believe that the proposed change to the H&P requirement is appropriate and I urge the Centers for Medicare & Medicaid Services (CMS) to finalize it without delay.

Thank you for your consideration of these comments.

Sincerely,

Donald R. Blum, DPM, JD

Issue

Completion of the medical history and physical examination

This is an important issue and will be a cost savings to the patient if the states then adopt this.

Submitter : Dr. Mark Block
Organization : American Podiatric Medical Association
Category : Physician

Date: 05/23/2005

Issue Areas/Comments

GENERAL

GENERAL

RE: CMS-3122-P

Hospital Conditions of Participation: Requirements for History and Physical Examinations; Proposed Rule (70 Fed. Reg. 15266, March 25, 2005)

Dear Dr. McClellan:

I am a podiatric physician and support the proposed revision to the Medicare Conditions of Participation (CoPs) for Hospitals, which specifies that a medical history and physical examination must be completed for each patient by a physician (as defined in section 1861(r) of the Act) or other qualified individual who has been granted these privileges by the medical staff in accordance with State law.

Podiatric physicians attend four years of podiatric medical school after college and, as part of the educational experience, receive training in the classroom and in clinical settings in the performance of histories and physicals (H&Ps). Upon graduation from a podiatric medical school, individuals are fully qualified to perform H&Ps.

Based on the education, training and experience of podiatric physicians, I believe that the proposed change to the H&P requirement is appropriate and I urge the Centers for Medicare & Medicaid Services (CMS) to finalize it without delay.

Thank you for your consideration of these comments.

Sincerely,

Dr Mark Block

Submitter : Dr. Damien Dauphinee
Organization : Foot and Ankle Associates of North Texas, L.L.P.
Category : Physician

Date: 05/23/2005

Issue Areas/Comments

GENERAL

GENERAL

Issue

Categories of providers permitted to perform a history and physical examination

RE: CMS-3122-P

Hospital Conditions of Participation: Requirements for History and Physical Examinations; Proposed Rule (70 Fed. Reg. 15266, March 25, 2005)

Dear Dr. McClellan:

I am a podiatric physician and support the proposed revision to the Medicare Conditions of Participation (CoPs) for Hospitals, which specifies that a medical history and physical examination must be completed for each patient by a physician (as defined in section 1861(r) of the Act) or other qualified individual who has been granted these privileges by the medical staff in accordance with State law.

Podiatric physicians attend four years of podiatric medical school after college and, as part of the educational experience, receive training in the classroom and in clinical settings in the performance of histories and physicals (H&Ps). In fact, I participated in the same physical diagnosis training program and testing facility as did students from Loyola Medical School and Rush Presbyterian Medical School. Upon graduation from a podiatric medical school, individuals are fully qualified to perform H&Ps.

Based on the education, training and experience of podiatric physicians, I believe that the proposed change to the H&P requirement is appropriate and I urge the Centers for Medicare & Medicaid Services (CMS) to finalize it without delay.

Thank you for your consideration of these comments.

Sincerely,

Damien M. Dauphinee, DPM

Submitter : Dr. Jerome Noll

Date: 05/23/2005

Organization : Dr. Jerome Noll

Category : Physician

Issue Areas/Comments

Issue

Categories of providers permitted to perform a history and physical examination

I would like to comment on the proposed rule from CMS that would revise four conditions of participation in the Medicare and Medicaid programs. I am certified by the American Board of Podiatric Surgery and a Fellow of the American College of Foot and Ankle Surgery. Foot and ankle surgeons currently are members of the medical staff in almost all U.S. hospitals and enjoy extensive medical and surgical privileges.

The patient history taking and physical examination is a standard part of clinical practice. It is taught in our doctoral education and a repetitive duty during surgical residency training. There will be times when other physicians or specialists are asked to share in patient care. It is good patient care to do so. However, to impose unwarranted H&P restrictions on qualified foot and ankle surgeons and prevent them from practicing within the scope of their training and licensure should be avoided.

I strongly support the proposed revision which specifies that an H&P examination must be completed by a physician (as defined in section 1861(r) of the Act) or other qualified individual who has been granted these privileges by the medical staff in accordance with State law. Section 1861(r) of the Social Security Act has long defined "physician" in Medicare to include doctors of podiatric medicine.

This clarification stated that permitting qualified and credentialed doctors of podiatric medicine (DPMs) to conduct medical H&Ps independently is, in fact, consistent with the intent of the Joint Commission's Standards, and in keeping with the delivery of safe, high-quality healthcare. Due to the fact that many foot and ankle surgeons face significant difficulties due to the inconsistencies that exist between Medicare CoPs and JCAHO, the proposed change is proper and should be finalized as soon as possible.

Submitter : Dr. Sushil Dhawan
Organization : Dr. Sushil Dhawan
Category : Physician

Date: 05/23/2005

Issue Areas/Comments

GENERAL

GENERAL

I think it is a step in right direction. It is the long awaited restriction which should not have been imposed to DPM's at first place who are credentialed in the hospitals as medical staff members. I thoroughly appreciate the efforts of ACFAS who eventually made this to happen. The CMS change should be finalised ASAP.

Sushil Dhawan MD, DPM, AACFAS, CWS

Submitter : Dr. Bruce Scudday
Organization : Dr. Bruce Scudday
Category : Physician

Date: 05/23/2005

Issue Areas/Comments

GENERAL

GENERAL

As Vice President of the Texas State Board of Podiatric Medical Examiners I wish to express my support of the proposed rule change referenced above. Doctors of Podiatric Medicine licensed by our board have the requisite knowledge, skill, training and competence to perform history and physical examinations of hospitalized patients in the State of Texas under our scope of practice.

The current rule prohibiting podiatric physicians from performing a history and physical exam affects the quality of health care afforded to the citizens of Texas. It is my opinion that all physicians defined as such by federal and state law and rules should be covered under the Conditions of Participation to perform history and physical examinations.

Sincerely,

Bruce A. Scudday, DPM
Vice President, Texas State board of Podiatric Medical Examiners

Submitter : Dr. Gary Jolly

Date: 05/23/2005

Organization : Dr. Gary Jolly

Category : Physician

Issue Areas/Comments

GENERAL

GENERAL

I am writing in support of the change in the CMS position on history and physical examinations being performed by DPM's. I am the immediate past president of the American College of Foot and Ankle Surgeons, representing the surgical specialty within the podiatric profession. Our members are highly trained surgeons, who by training and by obligation already perform histories and physicals on their patients. It is currently the standard of care for them to do so. In those patients who require management of comorbidities, medical consultation is obtained as well.

The fact that foot and ankle surgeons are responsible for the care of their patients mandates a proper clinical evaluation by the surgeon. Furthermore, it is the foot and ankle surgeon who provides the majority of care for diabetic foot infections and other conditions, and it is within that subset of patients where "the sickest of the sick" are often found. The foot and ankle surgeon deals with multiple medical problems in the treatment of these patients and is constantly performing physical examinations on these patients, whether or not CMS approves. They do it because they must, or risk censure for deviating from the standard of care. The change in the CMS position on this issue is long overdue. I strongly urge you to apply the changes as soon as possible.

Sincerely,

Dr. Gary P. Jolly

Submitter : Dr. Marshall Harvey
Organization : Dr. Marshall Harvey
Category : Physician

Date: 05/23/2005

Issue Areas/Comments

GENERAL

GENERAL

Re: CMS-3122-P

Hospital Conditions of Participation: Requirements for History and Physical Examinations; Proposed Rule (70 Fed Reg. 15266, March 2005)

Dear Dr. McClellan,

I am a podiatric physician and support the proposed revision to the Medicare Conditions of Participation (CoPs) for Hospitals, which specifies that a medical history and physical examination must be completed for each patient (as defined in section 1861(r) of the Act) or other qualified individual who has been granted these privileges by the medical staff in accordance with State Law.

Podiatric physicians attend four years of podiatric medical school after college and, as part of the educational experience, receive training in classroom and in clinical settings in the performance of histories and physicals (H&Ps). Upon graduation from a podiatric medical school, individuals are fully qualified to perform H&Ps.

Based on the education, training, and experience of podiatric physicians, I believe that the proposed change to the H&P requirement is appropriate and I urge the Centers for Medicare and Medicaid Services (CMS) to finalize it without delay.

Thank you for your consideration of these comments.

Sincerely,

Marshall Harvey, D.P.M
Wichita Fall, Texas 76301

Submitter : Mrs. Eleanor Upton
Organization : NC Foot and Ankle Society
Category : Other Association

Date: 05/23/2005

Issue Areas/Comments

GENERAL

GENERAL

I do not understand why maxillofacial and oral surgeons are concerned about privileges for podiatrists. Competition certainly is not an issue. As far as medical training is concerned, podiatrists have as much general medicine background as a dentist. C'mon fellas, get a life.

Submitter : Dr. Wesley Daniel
Organization : Dr. Wesley Daniel
Category : Physician

Date: 05/23/2005

Issue Areas/Comments

GENERAL

GENERAL

Dear Dr. McClellan,

I am a podiatric physician and I strongly support the proposed revision to the Medicare Conditions of Participation (CoPs) for hospitals, which specifies that a medical history and physical examination must be completed for each patient by a physician (as defined in section 1861(r) of the Act) or other qualified individual who has been granted these privileges by the medical staff in accordance with State law.

Podiatric physicians attend 4 years of podiatric medical school after college. As a part of the educational experience, we receive training in the classroom and in clinical settings in the performance of histories and physicals (H&Ps). Upon graduation from a podiatric medical school, podiatrists are fully qualified to perform H&Ps. Additionally, in post-graduate residency training programs, podiatrist residents are most often responsible for performing the H&P for all podiatric surgical patients, although under the present CoPs, this is usually countersigned by an attending physician. The Joint Commission on Accreditation of HealthCare Organizations make provisions for H&Ps to be performed by podiatric physicians.

Based on the education, training and experience of podiatric physicians, I strongly believe the proposed change to the H&P requirement is appropriate and I urge the Centers for Medicare & Medicaid Services (CMS) to finalize it without delay.

Thank you for your consideration of these comments.

Sincerely,

Wesley L. Daniel, DPM
1975-B Beverly Road
Gainesville, GA 30501-2034
(T)770-536-9908
(F)770-532-7102
wdan-gpma@mindspring.com

Submitter : Charles Bentlage
Organization : Freeman Health System
Category : Hospital

Date: 05/23/2005

Issue Areas/Comments

Issue

Issue

The following comments are submitted regarding the proposed revisions to four of the current hospital conditions of participation (CoP's) on behalf of the Administration and Medical Staff of Freeman Health System in Joplin, Missouri. We wholeheartedly support the proposed changes related to the requirements for history and physical examinations, authentication of verbal orders, securing medications, and postanesthesia evaluations. We agree that the changes are more consistent with current practice, will decrease existing burdens and increase efficiency.

Submitter : Ms. donna wiesner

Date: 05/23/2005

Organization : Trinity Health

Category : Nurse

Issue Areas/Comments

Issue

Timeframe for completion of the medical history and physical examination

I agree with the proposed changes to the time frame for completion of the medical history and physical to 30 days. The 7 day time frame has placed significant burdens on ,not only the physicians, but the nursing staff as well. I am a nurse who is currently employed as the coordinator of a surgical preparation center. We provide services to the physician's offices such as, obtaining appropriate testing and providing nurse practitioners to perform a history and physical. Due to the 7 day time limit it has been extremely difficult to follow up on abnormal findings found on exam in a timely fashion. This has led to last minute cancellations of surgeries and the inability to obtain previous testing, such as cardiac testing, from other facilities. We have also run into difficulty obtaining cardiac clearance appointments and medical clearance appointments before the patients scheduled surgery time. In my opinion, this has led to economic waste, costing health care facilities thousands of dollars in delays and cancellations of surgeries. In addition, instead of providing for patient safety, patient safety can be compromised. For example, the inability to obtain a copy of an echocardiogram from another facility because they don't keep records on site. Because of the 7 day timeline, we cannot schedule the patient to come and see us before that time and don't know until we question that patient that they have had any previous tests. If, for example an echocardiogram happens to be abnormal and had never been followed up on, the Anesthesiologist is not aware because he/she does not have a copy,he/she only has the patient's statement of their history concerning testing to rely on. This could present a significant risk to the patient. I strongly encourage the adoption of the proposed changes. A 30 day time limit with an update upon changes in the patient's health status.

Submitter : Mr. Kevin Kruse
Organization : Iowa Podiatric Medical Society
Category : Health Plan or Association

Date: 05/23/2005

Issue Areas/Comments

GENERAL

GENERAL

RE: CMS-3122-P

Hospital Conditions of Participation: Requirements for History and Physical Examinations; Proposed Rule (70 Fed. Reg. 15266, March 25, 2005)

Dear Dr. McClellan:

I am the executive director for the Iowa Podiatric Medical Society and our society supports the proposed revision to the Medicare Conditions of Participation (CoPs) for Hospitals, which specifies that a medical history and physical examination must be completed for each patient by a physician (as defined in section 1861(r) of the Act) or other qualified individual who has been granted these privileges by the medical staff in accordance with State law.

Podiatric physicians attend four years of podiatric medical school after college and, as part of the educational experience, receive training in the classroom and in clinical settings in the performance of histories and physicals (H&Ps). Upon graduation from a podiatric medical school, individuals are fully qualified to perform H&Ps.

Based on the education, training and experience of podiatric physicians, we believe that the proposed change to the H&P requirement is appropriate and I urge the Centers for Medicare & Medicaid Services (CMS) to finalize it without delay.

Thank you for your consideration of these comments.

Sincerely,

Kevin Kruse, JD, CAE
Executive Director
Iowa Podiatric Medical Society

Submitter : Dr. Steven Frydman
Organization : Dr. Steven Frydman
Category : Physician

Date: 05/23/2005

Issue Areas/Comments

GENERAL

GENERAL

RE: CMS-3122-P

Hospital Conditions of Participation: Requirements for History and Physical Examinations; Proposed Rule (70 Fed. Reg. 15266, March 25, 2005)

Dear Dr. McClellan:

I am a podiatric physician and support the proposed revision to the Medicare Conditions of Participation (CoPs) for Hospitals, which specifies that a medical history and physical examination must be completed for each patient by a physician (as defined in section 1861(r) of the Act) or other qualified individual who has been granted these privileges by the medical staff in accordance with State law.

Podiatric physicians attend four years of podiatric medical school after college and, as part of the educational experience, receive training in the classroom and in clinical settings in the performance of histories and physicals (H&Ps). Upon graduation from a podiatric medical school, individuals are fully qualified to perform H&Ps.

Based on the education, training and experience of podiatric physicians, I believe that the proposed change to the H&P requirement is appropriate and I urge the Centers for Medicare & Medicaid Services (CMS) to finalize it without delay.

Thank you for your consideration of these comments.

Sincerely,

Steven Frydman

Submitter : Dr. Robert Katz
Organization : Cortez Foot and Ankle Specialists
Category : Physician

Date: 05/23/2005

Issue Areas/Comments

GENERAL

GENERAL

RE: CMS-3122-P

Hospital Conditions of Participation: Requirements for History and Physical Examinations; Proposed Rule (70 Fed. Reg. 15266, March 25, 2005)

Dear Dr. McClellan:

I am a podiatric physician and support the proposed revision to the Medicare Conditions of Participation (CoPs) for Hospitals, which specifies that a medical history and physical examination must be completed for each patient by a physician (as defined in section 1861(r) of the Act) or other qualified individual who has been granted these privileges by the medical staff in accordance with State law.

Podiatric physicians attend four years of podiatric medical school after college and, as part of the educational experience, receive training in the classroom and in clinical settings in the performance of histories and physicals (H&Ps). Upon graduation from a podiatric medical school, individuals are fully qualified to perform H&Ps.

Based on the education, training and experience of podiatric physicians, I believe that the proposed change to the H&P requirement is appropriate and I urge the Centers for Medicare & Medicaid Services (CMS) to finalize it without delay.

Thank you for your consideration of these comments.

Sincerely,

Dr. Robert Katz

Submitter : Dr. Terence Albright
Organization : Rosalind Franklin University of Medicine and Science
Category : Physician

Date: 05/23/2005

Issue Areas/Comments

GENERAL

GENERAL

May 23, 2005

RE: CMS-3122-P

Hospital Conditions of Participation: Requirements for History and Physical Examinations: Proposed Rule (70 Fed. Reg. 15266, March 25, 2005)

Dear Dr. McClellan:

I am a podiatric physician and the Dean of Scholl College of Podiatric Medicine at Rosalind Franklin University of Medicine and Science. The faculty and I support the proposed revision to the Medicare Conditions of Participation (CoPs) for Hospitals, which specifies that a medical history and physical examination must be completed for each patient by a physician (as defined in section 1861(r) of the Act) or other qualified individual who has been granted these privileges by the medical staff in accordance with State law.

Podiatric physicians attend four years of podiatric medical school after college and, as part of the educational experience, receive training in the classroom and in clinical settings in the performance of histories and physicals (H&Ps). Upon graduation from a podiatric medical school, individuals are fully qualified to perform H&Ps.

Based on the education, training and experience of podiatric physicians, we believe that the proposed change to the H&P requirement is appropriate and I urge the Centers for Medicare and Medicaid Services (CMS) to finalize it without delay.

Thank you for your consideration of these comments.

Sincerely,

Terence B. Albright, D.P.M., FACFAS
Academic Dean

Submitter : Dr. Walter Jacobsen

Date: 05/23/2005

Organization : Dr. Walter Jacobsen

Category : Physician

Issue Areas/Comments

GENERAL

GENERAL

Regarding proposal 70 Fed Reg 15266" I was trained during Podiatric Medical school, during rotations and as a Resident to perform Initial H & Ps. I think the time is overdue, foot and ankle surgeons have the training to COMPETENTLY perform H & Ps.

It promotes the misconception that we are somehow not "Doctors." I can attest to the fact that our exams in school and board certification are most rigorous.

Let my vote fall on the side of quality health care and patient centered quality improvement.

This speaks directly to the scope of practice and the ability to earn a fair reimbursement for services performed.

Sincerely,

Walter Jacobsen DPM FACFAS

Submitter : Dr. Joe Southerland
Organization : Arlington Foot Center, PA
Category : Physician

Date: 05/23/2005

Issue Areas/Comments

GENERAL

GENERAL

RE: CMS-3122-P

Hospital Conditions of Participation: Requirements for History and Physical Examinations; Proposed Rule (70 Fed. Reg. 15266, March 25, 2005)

Dear Dr. McClellan:

I am a podiatric physician and support the proposed revision to the Medicare Conditions of Participation (CoPs) for Hospitals, which specifies that a medical history and physical examination must be completed for each patient by a physician (as defined in section 1861(r) of the Act) or other qualified individual who has been granted these privileges by the medical staff in accordance with State law.

Podiatric physicians attend four years of podiatric medical school after college and, as part of the educational experience, receive training in the classroom and in clinical settings in the performance of histories and physicals (H&Ps). Upon graduation from a podiatric medical school, individuals are fully qualified to perform H&Ps.

Based on the education, training and experience of podiatric physicians, I believe that the proposed change to the H&P requirement is appropriate and I urge the Centers for Medicare & Medicaid Services (CMS) to finalize it without delay.

Thank you for your consideration of these comments.

Sincerely,
Joe T. Southerland, DPM

Submitter : Ms. Mary Feeley
Organization : Illinois Podiatric Medical Association
Category : Individual

Date: 05/23/2005

Issue Areas/Comments

GENERAL

GENERAL

RE: CMS-3122-P

Hospital Conditions of Participation: Requirements for History and Physical Examinations; Proposed Rule (70 Fed. Reg. 15266, March 25, 2005)

Dear Dr. McClellan:

I am a podiatric physician and support the proposed revision to the Medicare Conditions of Participation (CoPs) for Hospitals, which specifies that a medical history and physical examination must be completed for each patient by a physician (as defined in section 1861(r) of the Act) or other qualified individual who has been granted these privileges by the medical staff in accordance with State law.

Podiatric physicians attend four years of podiatric medical school after college and, as part of the educational experience, receive training in the classroom and in clinical settings in the performance of histories and physicals (H&Ps). Upon graduation from a podiatric medical school, individuals are fully qualified to perform H&Ps.

Based on the education, training and experience of podiatric physicians, I believe that the proposed change to the H&P requirement is appropriate and I urge the Centers for Medicare & Medicaid Services (CMS) to finalize it without delay.

Thank you for your consideration of these comments.

Sincerely,

Mary S. Feeley, CAE
Executive Director
Illinois Podiatric Medical Association

Submitter : Dr. Craig Lahar
Organization : Craig Lahar DMD, Oral & Maxillofacial Surgery, PC
Category : Physician

Date: 05/23/2005

Issue Areas/Comments

GENERAL

GENERAL

I am an oral and maxillofacial surgeon and have reviewed the proposed change to the CMS Conditions of Participation related to H & P's that would allow this service to be performed by a physician as defined by the Social Security Act. The Social Security Act defines physicians as doctors of medicine or osteopathy, doctors of dental surgery or dental medicine, doctors of podiatric medicine, doctors of optometry and chiropractors. Although I support the use of this definition in most contexts, I am concerned that applying this definition to the H & P will cause hospital medical staffs to limit this privilege exclusively to MD/DO's and, as a result, negatively impact patient care. Some medical staffs are already attempting to change their bylaws to limit this privilege to MD/DO's, often because of their unfamiliarity with the education and training standards of non-MD/Do practitioners. Limitations or withdrawal of oral and maxillofacial surgeons' H&P privileges would limit access for my patients, as well as maxillofacial trauma patients who would need my services, and would threaten the accreditation status of the 100 accredited oral and maxillofacial surgery residency training programs.

I oppose this proposed change and suggest that the CoP should be revised to include a doctor of medicine or osteopathy and an oral and maxillofacial surgeon for patients admitted for oral and maxillofacial surgery.

Thank you for consideration of these comments.

Sincerely,

Craig Lahar, DMD

Submitter : Ms. Michelle Barrette
Organization : Minnesota Podiatric Medical Association
Category : Attorney/Law Firm

Date: 05/23/2005

Issue Areas/Comments

GENERAL

GENERAL

See Attachment

CMS-3122-P-277-Attach-1.DOC

RE: CMS-3122-P

Hospital Conditions of Participation: Requirements for History and Physical Examinations; Proposed Rule (70 Fed. Reg. 15266, March 25, 2005)

Dear Dr. McClellan:

I am a podiatric physician and support the proposed revision to the Medicare Conditions of Participation (CoPs) for Hospitals, which specifies that a medical history and physical examination must be completed for each patient by a physician (as defined in section 1861(r) of the Act) or other qualified individual who has been granted these privileges by the medical staff in accordance with State law.

Podiatric physicians attend four years of podiatric medical school after college and, as part of the educational experience, receive training in the classroom and in clinical settings in the performance of histories and physicals (H&Ps). Upon graduation from a podiatric medical school, individuals are fully qualified to perform H&Ps.

Based on the education, training and experience of podiatric physicians, I believe that the proposed change to the H&P requirement is appropriate and I urge the Centers for Medicare & Medicaid Services (CMS) to finalize it without delay.

Thank you for your consideration of these comments.

Sincerely,

Submitter : Dr. Timothy Ford
Organization : The Kentucky Podiatric Residency Program
Category : Physician

Date: 05/23/2005

Issue Areas/Comments

GENERAL

GENERAL

RE: CMS-3122-P

Hospital Conditions of Participation: Requirements for History and Physical Examinations; Proposed Rule (70 Fed. Reg. 15266, March 25, 2005)

Dear Dr. McClellan:

I am a podiatric physician and the director of podiatric medical education for the Kentucky Podiatric Residency Program. I support the proposed revision to the Medicare Conditions of Participation (CoPs) for Hospitals, which specifies that a medical history and physical examination must be completed for each patient by a physician (as defined in section 1861(r) of the Act) or other qualified individual who has been granted these privileges by the medical staff in accordance with State law.

Podiatric physicians attend four years of podiatric medical school after college and, as part of the educational experience, receive training in the classroom and in clinical settings in the performance of histories and physicals (H&Ps). Upon graduation from a podiatric medical school, individuals are fully qualified to perform H&Ps. Likewise Podiatric residencies are Competency driven which includes History and Physical examinations!

Based on the education, training and experience of podiatric physicians, I believe that the proposed change to the H&P requirement is appropriate and I urge the Centers for Medicare & Medicaid Services (CMS) to finalize it without delay.

Thank you for your consideration of these comments.

Sincerely,

Timothy C. Ford, DPM
Director of Podiatric Medical Education
Norton Audubon Hospital
1 Audubon Plaza Dr
Louisville, KY 40217

Submitter : Dr. Samuel Mendicino
Organization : APMA
Category : Physician

Date: 05/23/2005

Issue Areas/Comments

GENERAL

GENERAL

RE: CMS-3122-P

Hospital Conditions of Participation: Requirements for History and Physical Examinations; Proposed Rule (70 Fed. Reg. 15266, March 25, 2005)

Dear Dr. McClellan:

I am a podiatric physician and support the proposed revision to the Medicare Conditions of Participation (CoPs) for Hospitals, which specifies that a medical history and physical examination must be completed for each patient by a physician (as defined in section 1861(r) of the Act) or other qualified individual who has been granted these privileges by the medical staff in accordance with State law.

Podiatric physicians attend four years of podiatric medical school after college and, as part of the educational experience, receive training in the classroom and in clinical settings in the performance of histories and physicals (H&Ps). Upon graduation from a podiatric medical school, individuals are fully qualified to perform H&Ps.

Based on the education, training and experience of podiatric physicians, I believe that the proposed change to the H&P requirement is appropriate and I urge the Centers for Medicare & Medicaid Services (CMS) to finalize it without delay.

Thank you for your consideration of these comments.

Sincerely,

Samuel S. Mendicino, DPM, FACFAS

Submitter : Dr. James Palermo
Organization : Dr. James Palermo
Category : Physician

Date: 05/23/2005

Issue Areas/Comments

GENERAL

GENERAL

RE: CMS-3122-P

Hospital Conditions of Participation: Requirements for History and Physical Examinations; Proposed Rule (70 Fed. Reg. 15266, March 25, 2005)

Dear Dr. McClellan:

I am a podiatric physician and support the proposed revision to the Medicare Conditions of Participation (CoPs) for Hospitals, which specifies that a medical history and physical examination must be completed for each patient by a physician (as defined in section 1861(r) of the Act) or other qualified individual who has been granted these privileges by the medical staff in accordance with State law.

Podiatric physicians attend four years of podiatric medical school after college and, as part of the educational experience, receive training in the classroom and in clinical settings in the performance of histories and physicals (H&Ps). Upon graduation from a podiatric medical school, individuals are fully qualified to perform H&Ps.

Based on the education, training and experience of podiatric physicians, I believe that the proposed change to the H&P requirement is appropriate and I urge the Centers for Medicare & Medicaid Services (CMS) to finalize it without delay.

Thank you for your consideration of these comments.

Sincerely,

James T. Palermo DPM

Submitter : Dr. Joseph Burckhardt
Organization : Dr. Joseph Burckhardt
Category : Physician

Date: 05/23/2005

Issue Areas/Comments

GENERAL

GENERAL

See attachment

CMS-3122-P-281-Attach-1.PDF

CMS-3122-P-281-Attach-2.DOC

RE: CMS-3122-P

Hospital Conditions of Participation: Requirements for History and Physical Examinations; Proposed Rule (70 Fed. Reg. 15266, March 25, 2005)

Dear Dr. McClellan:

I am a podiatric physician and support the proposed revision to the Medicare Conditions of Participation (CoPs) for Hospitals, which specifies that a medical history and physical examination must be completed for each patient by a physician (as defined in section 1861(r) of the Act) or other qualified individual who has been granted these privileges by the medical staff in accordance with State law.

Podiatric physicians attend four years of podiatric medical school after college and, as part of the educational experience, receive training in the classroom and in clinical settings in the performance of histories and physicals (H&Ps). Upon graduation from a podiatric medical school, individuals are fully qualified to perform H&Ps.

Based on the education, training and experience of podiatric physicians, I believe that the proposed change to the H&P requirement is appropriate and I urge the Centers for Medicare & Medicaid Services (CMS) to finalize it without delay.

Thank you for your consideration of these comments.

Sincerely,

Submitter : Dr. Kathleen Stone
Organization : American Podiatric Medical Association
Category : Physician

Date: 05/23/2005

Issue Areas/Comments

GENERAL

GENERAL

See Attachment

CMS-3122-P-282-Attach-1.DOC

CMS-3122-P-282-Attach-2.DOC

RE: CMS-3122-P

Hospital Conditions of Participation: Requirements for History and Physical Examinations; Proposed Rule (70 Fed. Reg. 15266, March 25, 2005)

Dear Dr. McClellan:

I am a podiatric physician and support the proposed revision to the Medicare Conditions of Participation (CoPs) for Hospitals, which specifies that a medical history and physical examination must be completed for each patient by a physician (as defined in section 1861(r) of the Act) or other qualified individual who has been granted these privileges by the medical staff in accordance with State law.

Podiatric physicians attend four years of podiatric medical school after college and, as part of the educational experience, receive training in the classroom and in clinical settings in the performance of histories and physicals (H&Ps). Upon graduation from a podiatric medical school, individuals are fully qualified to perform H&Ps.

Based on the education, training and experience of podiatric physicians, I believe that the proposed change to the H&P requirement is appropriate and I urge the Centers for Medicare & Medicaid Services (CMS) to finalize it without delay.

Thank you for your consideration of these comments.

Sincerely,

Submitter : Laura Pickard
Organization : IPMA
Category : Physician

Date: 05/23/2005

Issue Areas/Comments

GENERAL

GENERAL

RE: CMS-3122-P

Hospital Conditions of Participation: Requirements for History and Physical Examinations; Proposed Rule (70 Fed. Reg. 15266, March 25, 2005)

Dear Dr. McClellan:

I am a podiatric physician and support the proposed revision to the Medicare Conditions of Participation (CoPs) for Hospitals, which specifies that a medical history and physical examination must be completed for each patient by a physician (as defined in section 1861(r) of the Act) or other qualified individual who has been granted these privileges by the medical staff in accordance with State law.

Podiatric physicians attend four years of podiatric medical school after college and, as part of the educational experience, receive training in the classroom and in clinical settings in the performance of histories and physicals (H&Ps). Upon graduation from a podiatric medical school, individuals are fully qualified to perform H&Ps.

Based on the education, training and experience of podiatric physicians, I believe that the proposed change to the H&P requirement is appropriate and I urge the Centers for Medicare & Medicaid Services (CMS) to finalize it without delay.

Thank you for your consideration of these comments.

Sincerely,

Dr Laura Pickard

Submitter : Dr. DONALD Falknor
Organization : SELF
Category : Physician

Date: 05/23/2005

Issue Areas/Comments

GENERAL

GENERAL

RE: CMS-3122-P

Hospital Conditions of Participation: Requirements for History and Physical Examinations; Proposed Rule (70 Fed. Reg. 15266, March 25, 2005)

Dear Dr. McClellan:

I am a podiatric physician and support the proposed revision to the Medicare Conditions of Participation (CoPs) for Hospitals, which specifies that a medical history and physical examination must be completed for each patient by a physician (as defined in section 1861(r) of the Act) or other qualified individual who has been granted these privileges by the medical staff in accordance with State law.

Podiatric physicians attend four years of podiatric medical school after college and, as part of the educational experience, receive training in the classroom and in clinical settings in the performance of histories and physicals (H&Ps). Upon graduation from a podiatric medical school, individuals are fully qualified to perform H&Ps.

Based on the education, training and experience of podiatric physicians, I believe that the proposed change to the H&P requirement is appropriate and I urge the Centers for Medicare & Medicaid Services (CMS) to finalize it without delay.

Thank you for your consideration of these comments.

Sincerely,
Dr. Donald W. Falknor

Submitter : Mr. Mark Dickens
Organization : American Podiatric Medical Association
Category : Health Care Professional or Association

Date: 05/23/2005

Issue Areas/Comments

GENERAL

GENERAL

RE: CMS-3122-P

Hospital Conditions of Participation: Requirements for History and Physical Examinations; Proposed Rule (70 Fed. Reg. 15266, March 25, 2005)

Dear Dr. McClellan:

I am the executive director of the Michigan Podiatric Medical Association and support the proposed revision to the Medicare Conditions of Participation (CoPs) for Hospitals, which specifies that a medical history and physical examination must be completed for each patient by a physician (as defined in section 1861(r) of the Act) or other qualified individual who has been granted these privileges by the medical staff in accordance with State law.

Podiatric physicians attend four years of podiatric medical school after college and, as part of the educational experience, receive training in the classroom and in clinical settings in the performance of histories and physicals (H&Ps). Upon graduation from a podiatric medical school, individuals are fully qualified to perform H&Ps.

Based on the education, training and experience of podiatric physicians, I believe that the proposed change to the H&P requirement is appropriate and I urge the Centers for Medicare & Medicaid Services (CMS) to finalize it without delay.

Thank you for your consideration of these comments.

Sincerely,

Submitter : Dr. Jerry Miles
Organization : Dr. Jerry Miles
Category : Physician

Date: 05/23/2005

Issue Areas/Comments

GENERAL

GENERAL

RE: CMS-3122-P

Hospital Conditions of Participation: Requirements for History and Physical Examinations; Proposed Rule (70 Fed. Reg. 15266, March 25, 2005)

Dear Dr. McClellan:

I am a podiatric physician and support the proposed revision to the Medicare Conditions of Participation (CoPs) for Hospitals, which specifies that a medical history and physical examination must be completed for each patient by a physician (as defined in section 1861(r) of the Act) or other qualified individual who has been granted these privileges by the medical staff in accordance with State law.

Podiatric physicians attend four years of podiatric medical school after college and, as part of the educational experience, receive training in the classroom and in clinical settings in the performance of histories and physicals (H&Ps). Upon graduation from a podiatric medical school, individuals are fully qualified to perform H&Ps.

Based on the education, training and experience of podiatric physicians, I believe that the proposed change to the H&P requirement is appropriate and I urge the Centers for Medicare & Medicaid Services (CMS) to finalize it without delay.

Thank you for your consideration of these comments.

Sincerely,

Jerry Miles, D.P.M.

Submitter : Dr. Gabriel Maislos
Organization : Dr. Gabriel Maislos
Category : Physician

Date: 05/23/2005

Issue Areas/Comments

GENERAL

GENERAL

see attachment

CMS-3122-P-287-Attach-1.DOC

CMS-3122-P-287-Attach-2.DOC

RE: CMS-3122-P

Hospital Conditions of Participation: Requirements for History and Physical Examinations; Proposed Rule (70 Fed. Reg. 15266, March 25, 2005)

Dear Dr. McClellan:

I am a podiatric physician and support the proposed revision to the Medicare Conditions of Participation (CoPs) for Hospitals, which specifies that a medical history and physical examination must be completed for each patient by a physician (as defined in section 1861(r) of the Act) or other qualified individual who has been granted these privileges by the medical staff in accordance with State law.

Podiatric physicians attend four years of podiatric medical school after college and, as part of the educational experience, receive training in the classroom and in clinical settings in the performance of histories and physicals (H&Ps). Upon graduation from a podiatric medical school, individuals are fully qualified to perform H&Ps.

Based on the education, training and experience of podiatric physicians, I believe that the proposed change to the H&P requirement is appropriate and I urge the Centers for Medicare & Medicaid Services (CMS) to finalize it without delay.

Thank you for your consideration of these comments.

Sincerely,

Submitter : Dr. ed singleton
Organization : apma
Category : Physician

Date: 05/23/2005

Issue Areas/Comments

GENERAL

GENERAL

please approve this policy. thank you

Submitter : Mrs. Jeanette Kalupa
Organization : Mrs. Jeanette Kalupa
Category : Nurse Practitioner

Date: 05/23/2005

Issue Areas/Comments

Issue

Categories of providers permitted to perform a history and physical examination

Please see the above comments. Nurse Practitioners should be allowed to perform a history and physical examination in the hospital in the same way that they do them in the community.

Completion of the medical history and physical examination

Nurse Practitioners should be allowed to perform H & Ps for hospital admission. With current work hour limitations on residents in acute hospital settings many H & Ps are currently being performed by Nurse Practitioners. The goal of these rules is to update the code to reflect modern practice. The reality is that Nurse Practitioners are currently performing this role now in collaboration with a MD and should therefore be recognized by Medicare and privileged to do so by hospital medical staffs. This would make Nurse Practitioners more accountable to the institution in regards to patient safety and quality of care. Currently, in my practice, I do H & Ps in collaboration with a MD, but because of lack of privileges and recognition in the current Medicare law my contributions are invisible. Because of the current rules, I more frequently bill Medicare under the 'shared care' rules instead of under my own Medicare Provider number. This is because of the MD requirement in the current rules and a narrow interpretation by the hospital medical staff at the hospital I work in. If the Nurse Practitioners were privileged to hospitals with collaborative practice rules in Wisconsin, I would admit patients at lower cost to the Medicare program with outcomes that have been well documented that are similar to MD or DO care with a great savings to the Medicare program. Nurse Practitioners have demonstrated competence and improved patient outcomes repeatedly in the medical literature. This is an opportunity to more formally track outcomes, and provide safe, cost effective care to Medicare subscribers. Medicare patients are already getting this care at a higher cost because of the current rules. Allowing Nurse Practitioners to do H&Ps will help improve access to care for Medicare subscribers in the hospital setting just as they currently do in the community.

Medical staff (482.22)

I strongly feel that 482.22 should read '...physician (as defined in section 1861(r) of the Act), Nurse Practitioner, Licensed Independent Provider or other qualified individual...

The current wording is exclusive of Nurse Practitioners and other Independent Providers that function in the hospital environment. Many hospitals use the most restrictive approach in defining whom can care for patients. Restrictive wording creates barriers for Medicare subscribers to the care that they need in the most economical manner. Rules such as these create barriers to practice for Nurse Practitioners. This change in wording is also more in line with current JACHO terminology. Please see more information in 'condition of participation Medical staff' for additional information

Issue

JACHO is currently requiring Licensed Independent Providers (LIP) be credentialed in hospital surveys and is recommending privileging these individuals with authority to work to fullest extent of their licensure according to state laws. This rules update needs to reflect that medical staffs at participating hospitals should be required to grant LIPs privileges according to state laws and provider credentials. This is a patient safety and quality issue. The current rules encourage hospitals that do not privilege LIPs to have LIPs write verbal orders in the care of patients even though those orders are well within the scope of practice of the ordering LIP. Current criteria are barriers to practice for Nurse Practitioners, some of whom are specially trained to take quality care of Medicare patients in acute care hospitals. The numbers of LIPs functioning in hospitals is large but invisible due to restrictive hospital privileging criteria encouraging LIPs to bill under the 'shared care' rules at a greater cost to the Medicare program.

Submitter : Dr. H. A. Ledger
Organization : Dr. H. A. Ledger
Category : Physician

Date: 05/23/2005

Issue Areas/Comments

GENERAL

GENERAL

RE: CMS-3122-P

Hospital Conditions of Participation: Requirements for History and Physical Examinations; Proposed Rule (70 Fed. Reg. 15266, March 25, 2005)

Dear Dr. McClellan:

I am a podiatric physician and support the proposed revision to the Medicare Conditions of Participation (CoPs) for Hospitals, which specifies that a medical history and physical examination must be completed for each patient by a physician (as defined in section 1861(r) of the Act) or other qualified individual who has been granted these privileges by the medical staff in accordance with State law.

Podiatric physicians attend four years of podiatric medical school after college and, as part of the educational experience, receive training in the classroom and in clinical settings in the performance of histories and physicals (H&Ps). Upon graduation from a podiatric medical school, individuals are fully qualified to perform H&Ps.

Based on the education, training and experience of podiatric physicians, I believe that the proposed change to the H&P requirement is appropriate and I urge the Centers for Medicare & Medicaid Services (CMS) to finalize it without delay.

Thank you for your consideration of these comments.

Sincerely,

H. Ashley Ledger

Submitter : Dr. Jonathan Labovitz
Organization : Dr. Jonathan Labovitz
Category : Physician

Date: 05/23/2005

Issue Areas/Comments

GENERAL

GENERAL

RE: CMS-3122-P

Hospital Conditions of Participation: Requirements for History and Physical Examinations; Proposed Rule (70 Fed. Reg. 15266, March 25, 2005)

Dear Dr. McClellan:

I am a podiatric physician and support the proposed revision to the Medicare Conditions of Participation (CoPs) for Hospitals. As you know, the CoPs specify a medical history and physical examination must be completed for each patient by a physician (as defined in section 1861(r) of the Act) or other qualified individual who has been granted these privileges by the medical staff in accordance with State law.

Podiatric physicians attend four years of podiatric medical school after college and, as part of the educational experience, receive training in the performance of histories and physicals (H&Ps) no differently than other physicians (MD or DO). Upon graduation from a podiatric medical school, individuals are fully qualified to perform H&Ps. Additionally, H&Ps are done by podiatric residents throughout the entire course of the residency training programs.

Based on the education, training and experience of podiatric physicians, I believe that the proposed change to the H&P requirement is appropriate and I urge the Centers for Medicare & Medicaid Services (CMS) to finalize it without delay.

Thank you for your consideration of these comments.

Sincerely,
Jonathan M. Labovitz, DPM, FACFAS

Submitter : Dr. charles halverson
Organization : foot care center, PC
Category : Physician

Date: 05/23/2005

Issue Areas/Comments

GENERAL

GENERAL

RE: CMS-3122-P

Hospital Conditions of Participation: Requirements for History and Physical Examinations; Proposed Rule (70 Fed. Reg. 15266, March 25, 2005)

Dear Dr. McClellan:

I am a podiatric physician and support the proposed revision to the Medicare Conditions of Participation (CoPs) for Hospitals, which specifies that a medical history and physical examination must be completed for each patient by a physician (as defined in section 1861(r) of the Act) or other qualified individual who has been granted these privileges by the medical staff in accordance with State law.

Podiatric physicians attend four years of podiatric medical school after college and, as part of the educational experience, receive training in the classroom and in clinical settings in the performance of histories and physicals (H&Ps). Upon graduation from a podiatric medical school, individuals are fully qualified to perform H&Ps.

Based on the education, training and experience of podiatric physicians, I believe that the proposed change to the H&P requirement is appropriate and I urge the Centers for Medicare & Medicaid Services (CMS) to finalize it without delay.

Thank you for your consideration of these comments.

Sincerely,

Charles M. Halverson, DPM
1540 N Bell
Fremont, NE. 68025

Submitter : Dr. Peter Wiggin

Date: 05/23/2005

Organization : APMA

Category : Physician

Issue Areas/Comments

GENERAL

GENERAL

RE: CMS-3122-P

Hospital Conditions of Participation: Requirements for History and Physical Examinations; Proposed Rule (70 Fed. Reg. 15266, March 25, 2005)
Dear Dr. McClellan:

I am a podiatric physician and support the proposed revision to the Medicare Conditions of Participation (CoPs) for Hospitals, which specifies that a medical history and physical examination must be completed for each patient by a physician (as defined in section 1861(r) of the Act) or other qualified individual who has been granted these privileges by the medical staff in accordance with State law.

Podiatric physicians attend four years of podiatric medical school after college and, as part of the educational experience, receive training in the classroom and in clinical settings in the performance of histories and physicals (H&Ps). Upon graduation from a podiatric medical school, individuals are fully qualified to perform H&Ps.

Based on the education, training and experience of podiatric physicians, I believe that the proposed change to the H&P requirement is appropriate and I urge the Centers for Medicare & Medicaid Services (CMS) to finalize it without delay.

Thank you for your consideration of these comments.

Sincerely,

Peter A. Wiggin, DPM
2nd Vice President OPMA

Submitter : Dr. Michael Metzger
Organization : Dr. Michael Metzger
Category : Physician

Date: 05/23/2005

Issue Areas/Comments

GENERAL

GENERAL

May 23, 2005

RE: CMS-3122-P

Hospital Conditions of Participation: Requirements for History and Physical Examinations; Proposed Rule (70 Fed. Reg. 15266, March 25, 2005)

Dear Dr. McClellan:

I am a podiatric physician and support the proposed revision to the Medicare Conditions of Participation (CoPs) for Hospitals, which specifies that a medical history and physical examination must be completed for each patient by a physician (as defined in section 1861(r) of the Act) or other qualified individual who has been granted these privileges by the medical staff in accordance with State law.

Podiatric physicians attend four years of podiatric medical school after college and, as part of the educational experience, receive training in the classroom and in clinical settings in the performance of histories and physicals (H&Ps). Upon graduation from a podiatric medical school, individuals are fully qualified to perform H&Ps.

Based on the education, training and experience of podiatric physicians, I believe that the proposed change to the H&P requirement is appropriate and I urge the Centers for Medicare & Medicaid Services (CMS) to finalize it without delay.

Thank you for your consideration of these comments.

Sincerely,

Michael Z. Metzger, DPM, MBA

Submitter : Dr. Marco Vargas
Organization : Family Foot Clinic
Category : Physician

Date: 05/23/2005

Issue Areas/Comments

GENERAL

GENERAL

RE: CMS-3122-P

Hospital Conditions of Participation: Requirements for History and Physical Examinations; Proposed Rule (70 Fed. Reg. 15266, March 25, 2005)

Dear Dr. McClellan:

I am a podiatric physician and support the proposed revision to the Medicare Conditions of Participation (CoPs) for Hospitals, which specifies that a medical history and physical examination must be completed for each patient by a physician (as defined in section 1861(r) of the Act) or other qualified individual who has been granted these privileges by the medical staff in accordance with State law.

Podiatric physicians attend four years of podiatric medical school after college and, as part of the educational experience, receive training in the classroom and in clinical settings in the performance of histories and physicals (H&Ps). Upon graduation from a podiatric medical school, individuals are fully qualified to perform H&Ps.

Based on the education, training and experience of podiatric physicians, I believe that the proposed change to the H&P requirement is appropriate and I urge the Centers for Medicare & Medicaid Services (CMS) to finalize it without delay.

Thank you for your consideration of these comments.

Sincerely,

Marco A Vargas DPM

Submitter : Dr. Thomas Rooney
Organization : Dr. Thomas Rooney
Category : Physician

Date: 05/23/2005

Issue Areas/Comments

GENERAL

GENERAL

As an Oral and Maxillofacial Surgeon, I have reviewed the proposed change to the CMS Conditions of Participation related to H and Ps to be performed by a physician as defined by the Social Security Act. I am concerned that applying this definition to the H and P will cause hospital medical staffs to limit this privilege exclusively to MD/DOs and, as a result, negatively impact patient care. Oral and Maxillofacial Surgeons are trained to do this (although most dentists are not) and we have been credentialed by the hospitals to perform H and Ps.

I therefore opposed the proposed change and suggest that the CoP should be revised to include a MD, DO, Oral and Maxillofacial Surgeon, and a DPM who has completed an accredited podiatric residency trained to admit podiatric patients.

Thank you,

Sincerely,

Thomas Rooney, DMD

Submitter : Mrs. Marti Wangen, CAE
Organization : Montana Podiatric Medical Association
Category : Health Care Provider/Association

Date: 05/23/2005

Issue Areas/Comments

GENERAL

GENERAL

RE: CMS-3122-P

Hospital Conditions of Participation: Requirements for History and Physical Examinations; Proposed Rule (70 Fed. Reg. 15266, March 25, 2005)

Dear Dr. McClellan:

I am an association executive and support the proposed revision to the Medicare Conditions of Participation (CoPs) for Hospitals, which specifies that a medical history and physical examination must be completed for each patient by a physician (as defined in section 1861(r) of the Act) or other qualified individual who has been granted these privileges by the medical staff in accordance with State law.

Podiatric physicians attend four years of podiatric medical school after college and, as part of the educational experience, receive training in the classroom and in clinical settings in the performance of histories and physicals (H&Ps). Upon graduation from a podiatric medical school, individuals are fully qualified to perform H&Ps.

Based on the education, training and experience of podiatric physicians, I believe that the proposed change to the H&P requirement is appropriate and I urge the Centers for Medicare & Medicaid Services (CMS) to finalize it without delay.

Thank you for your consideration of these comments.

Sincerely,

Marti L Wangen, CAE
Executive Director
Montana Podiatric Medical Association
36 South Last Chance Gulch, Ste. A
Helena, MT 59601
Phone: 406.443.1160
Fax: 406.443.4614
Email: mw@mtfootandankle.com

Submitter : Mr. Leonard Thaler
Organization : NYS Podiatric Medical Association
Category : Other Health Care Professional

Date: 05/23/2005

Issue Areas/Comments

GENERAL

GENERAL

New York State Podiatric Medical Association
1255 Fifth Avenue
New York, NY 10029-3897
212-996-4400 * Fax 646-672-9344 * Email: nyspma@aol.com

May 23, 2005

RE: CMS-3122-P

Hospital Conditions of Participation: Requirements for History and Physical Examinations; Proposed Rule (70 Fed. Reg. 15266, March 25, 2005)

Dear Dr. McClellan:

I am a podiatric physician and support the proposed revision to the Medicare Conditions of Participation (CoPs) for Hospitals, which specifies that a medical history and physical examination must be completed for each patient by a physician (as defined in section 1861(r) of the Act) or other qualified individual who has been granted these privileges by the medical staff in accordance with State law.

Podiatric physicians attend four years of podiatric medical school after college and, as part of the educational experience, receive training in the classroom and in clinical settings in the performance of histories and physicals (H&Ps). Upon graduation from a podiatric medical school, individuals are fully qualified to perform H&Ps.

Based on the education, training and experience of podiatric physicians, I believe that the proposed change to the H&P requirement is appropriate and I urge the Centers for Medicare & Medicaid Services (CMS) to finalize it without delay.

Thank you for your consideration of these comments.

Sincerely,

Leonard Thaler
Executive Director

Submitter : Dr. Franklin Kase
Organization : California Podiatric Medical Association
Category : Physician

Date: 05/23/2005

Issue Areas/Comments

GENERAL

GENERAL

RE: CMS-3122-P

Hospital Conditions of Participation: Requirements for History and Physical Examinations; Proposed Rule (70 Fed. Reg. 15266, March 25, 2005)

Dear Dr. McClellan:

I am a podiatric physician and support the proposed revision to the Medicare Conditions of Participation (CoPs) for Hospitals, which specifies that a medical history and physical examination must be completed for each patient by a physician (as defined in section 1861(r) of the Act) or other qualified individual who has been granted these privileges by the medical staff in accordance with State law.

Podiatric physicians attend four years of podiatric medical school after college and, as part of the educational experience, receive training in the classroom and in clinical settings in the performance of histories and physicals (H&Ps). Upon graduation from a podiatric medical school, individuals are fully qualified to perform H&Ps.

Based on the education, training and experience of podiatric physicians, I believe that the proposed change to the H&P requirement is appropriate and I urge the Centers for Medicare & Medicaid Services (CMS) to finalize it without delay.

Thank you for your consideration of these comments.

Sincerely,

Franklin Kase, D.P.M., F.A.C.F.A.S.
Immediate Past President, California Podiatric Medical Association
Diplomate American Board of Podiatric Surgery

Submitter : Dr. Randall Beckman
Organization : Spring Branch Podiatry
Category : Physician

Date: 05/23/2005

Issue Areas/Comments

GENERAL

GENERAL

RE: CMS-3122-P

Hospital Conditions of Participation: Requirements for History and Physical Examinations; Proposed Rule (70 Fed. Reg. 15266, March 25, 2005)

Dear Dr. McClellan:

I am a podiatric physician and support the proposed revision to the Medicare Conditions of Participation (CoPs) for Hospitals, which specifies that a medical history and physical examination must be completed for each patient by a physician (as defined in section 1861(r) of the Act) or other qualified individual who has been granted these privileges by the medical staff in accordance with State law.

Podiatric physicians attend four years of podiatric medical school after college and, as part of the educational experience, receive training in the classroom and in clinical settings in the performance of histories and physicals (H&Ps). Upon graduation from a podiatric medical school, individuals are fully qualified to perform H&Ps.

Based on the education, training and experience of podiatric physicians, I believe that the proposed change to the H&P requirement is appropriate and I urge the Centers for Medicare & Medicaid Services (CMS) to finalize it without delay.

Thank you for your consideration of these comments.

Sincerely,

Randall L. Beckman, DPM, FACFAS

Submitter : Dr. Gene Barclay
Organization : Gene Barclay, DPM
Category : Physician

Date: 05/23/2005

Issue Areas/Comments

GENERAL

GENERAL

See attachment.

CMS-3122-P-301-Attach-1.DOC

RE: CMS-3122-P

Hospital Conditions of Participation: Requirements for History and Physical Examinations; Proposed Rule (70 Fed. Reg. 15266, March 25, 2005)

Dear Dr. McClellan:

I am a podiatric physician and support the proposed revision to the Medicare Conditions of Participation (CoPs) for Hospitals, which specifies that a medical history and physical examination must be completed for each patient by a physician (as defined in section 1861(r) of the Act) or other qualified individual who has been granted these privileges by the medical staff in accordance with State law.

Podiatric physicians attend four years of podiatric medical school after college and, as part of the educational experience, receive training in the classroom and in clinical settings in the performance of histories and physicals (H&Ps). Upon graduation from a podiatric medical school, individuals are fully qualified to perform H&Ps.

Based on the education, training and experience of podiatric physicians, I believe that the proposed change to the H&P requirement is appropriate and I urge the Centers for Medicare & Medicaid Services (CMS) to finalize it without delay.

Thank you for your consideration of these comments.

Sincerely,

Gene Barclay, DPM

Submitter : Dr. Keith Jacobson
Organization : Podiatry Associates of Houston
Category : Physician

Date: 05/23/2005

Issue Areas/Comments

GENERAL

GENERAL

RE: CMS-3122-P

Hospital Conditions of Participation: Requirements for History and Physical Examinations; Proposed Rule (70 Fed. Reg. 15266, March 25, 2005)

Dear Dr. McClellan:

I am a podiatric physician and support the proposed revision to the Medicare Conditions of Participation (CoPs) for Hospitals, which specifies that a medical history and physical examination must be completed for each patient by a physician (as defined in section 1861(r) of the Act) or other qualified individual who has been granted these privileges by the medical staff in accordance with State law.

Podiatric physicians attend four years of podiatric medical school after college and, as part of the educational experience, receive training in the classroom and in clinical settings in the performance of histories and physicals (H&Ps). Upon graduation from a podiatric medical school, individuals are fully qualified to perform H&Ps.

Based on the education, training and experience of podiatric physicians, I believe that the proposed change to the H&P requirement is appropriate and I urge the Centers for Medicare & Medicaid Services (CMS) to finalize it without delay.

Thank you for your consideration of these comments.

Sincerely,

Keith Jacobson, DPM, FACFAS

Submitter : Dr. Jim Lummus
Organization : Angelo Podiatry Associates
Category : Physician

Date: 05/23/2005

Issue Areas/Comments

GENERAL

GENERAL

RE: CMS-3122-P

Hospital Conditions of Participation: Requirements for History and Physical Examinations; Proposed Rule (70 Fed. Reg. 15266, March 25, 2005)

Dear Dr. McClellan:

I am a podiatric physician and practice in Texas. I would like to voice my support for the proposed revision to the Medicare Conditions of Participation (CoPs) for Hospitals, which specifies that a medical history and physical examination must be completed for each patient by a physician (as defined in section 1861(r) of the Act) or other qualified individual who has been granted these privileges by the medical staff in accordance with State law.

I, like all other podiatric physicians, attended four years of podiatric medical school after college. As part of the educational experience, receive training in the classroom and in clinical settings in the performance of histories and physicals (H&Ps). Upon graduation from a podiatric medical school, individuals are fully qualified to perform H&Ps. Following graduation podiatric physicians who practice in Texas must complete at least one year of a qualified residency program to receive a license. These programs provide further training in the performance of H&Ps. Most all other states have similar requirements for licensure.

Based on the education, training and experience of podiatric physicians, I believe that the proposed change to the H&P requirement is appropriate and I urge the Centers for Medicare & Medicaid Services (CMS) to finalize it without delay.

Thank you in advance for your consideration.

Sincerely,

Jim D. Lummus D.P.M.
Angelo Podiatry Associates
1023 Caddo St
San Angelo, TX 76901

Submitter : Ms. Trisha Kurtz
Organization : JCAHO
Category : Private Industry

Date: 05/23/2005

Issue Areas/Comments

GENERAL

GENERAL

See attachment

CMS-3122-P-304-Attach-1.DOC



Joint Commission

Setting the Standard for Quality in Health Care

May 24, 2005

Centers for Medicare & Medicaid Services
Department of Health and Human Services
Attention: CMS- 3122-P
P.O. Box 8013
Baltimore, MD 21244-1850

RE: Comments on the proposed rule “Medicare and Medicaid Programs; Hospital Conditions for Participation: Requirements for History and Physical Examinations; Authentication of Verbal Orders; Securing Medications; and Post Anesthesia Evaluations.”

File Code: CMS- 3122-P

The Joint Commission on Accreditation of Healthcare Organizations (JCAHO) appreciates the opportunity to comment on the proposed rule that would set forth revisions to four current hospital conditions of participation (CoPs) for approval (or continued participation) in the Medicare and Medicaid programs. As the nation’s oldest and largest standard-setting and accrediting body in health care, the Joint Commission is in a unique position to offer suggestions to improve the proposed revisions to Medicare’s hospital CoPs.

The Joint Commission evaluates and accredits nearly 16,000 health care organizations in the United States, including the preponderance of our nation’s hospitals. Our accreditation programs also evaluate the performance of home care agencies; ambulatory care settings ranging from primary care services to outpatient surgery; behavioral health care programs; nursing homes; hospices; assisted living residencies; clinical laboratories; and managed care plans. Further, the Joint Commission is active internationally and has provided consultation and accreditation services in over 60 countries.

Founded in 1951, the Joint Commission is a private sector, not-for-profit entity dedicated to improving the safety and quality of health care provided to the public. Our member organizations are the American College of Surgeons; the American Medical Association; the American Hospital Association; the American College of Physicians; and the American Dental Association. In addition to these organizations, the 29-member Board of Commissioners includes representation from the field of nursing as well as public members whose expertise spans such diverse areas as ethics, public policy, and insurance. Furthermore, the Board includes liaison members from the federal government.

CMS's Approach for Revising the Hospital CoPs

In the preamble to the proposed rule, CMS notes that the agency decided to carve out requirements related to history and physical examinations, authentication of verbal orders, securing medications and postanesthesia evaluations, because the health care community indicated that, at this time, these are the CoPs that require the most immediate attention. The Joint Commission recognizes the political expediency of using a piece-meal approach that “carves out” particular CoPs for revision, but such a method only increases the fragmentation we currently see in our health care delivery system and undermines a more over-arching focus on increasing the quality and safety of patient care in our nation’s hospitals.

The Medicare hospital CoPs have not had a comprehensive update since 1986. The Joint Commission strongly believes that the Medicare hospital CoPs need to be revised in their entirety to reflect how inpatient care is delivered. For example, the Medicare hospital CoPs are structured to focus on individual departments, such as medical staff, emergency services and nursing services. Yet, the care of a patient is not isolated to a single hospital department. Instead, inpatient hospital care is comprised of complex interactions between highly-trained professionals. These professionals must work and communicate in an effective manner to ensure that each patient receives safe, quality care. The CoPs should support, not impede, an integrated approach to delivering hospital care.

Furthermore, the Medicare hospital CoPs do not adequately address patient safety, such as requiring hospitals to (1) foster a culture of safety by leadership, (2) examine high risk processes, and (3) develop systems to keep human error from patients. The Joint Commission encourages CMS to review and update all Medicare hospital CoPs to reflect a process that focuses on systems critical to the safety and the quality of care, treatment, and services.

The Joint Commission stands ready to work with CMS to update the Medicare hospital CoPs. We are experienced in accrediting and certifying many types of health care organizations, developing standards and performance measurement metrics, convening experts, gaining health care provider input, and working with national experts in developing and issuing National Patient Safety Goals. This experience can provide valuable insights on how to modernize the Medicare CoPs. With the critical need for a massive overall revision of the CoPs as the backdrop to our comments, this letter addresses the changes to the four CoPs proposed in the this notice of proposed rule making. If you have any question or require additional information regarding the comments provided below, please contact Trisha Kurtz, Director of Federal Relations at pkurtz@jcaho.org or Laura Blum, Associate Director, Federal of Relations, at lblum@jcaho.org. Both Trisha and Laura can be reached by telephone at 202.783.6655.

Conditions of Participation: Medical Staff (§482.22)

The current regulatory requirement states that a physical examination and medical history should be done no more than 7 days before or 48 hours after an admission for each patient by a physician of medicine or osteopathy in accordance with State law. CMS proposes expanding the current requirement for completion of a medical history and physical examination from no more than 7 days before admission to within 30 days before admission. The hospital must ensure that the record is updated within 24 hours of admission when the medical history and physical examination are completed within 30 days before admission and there is a change in the patient's condition.

Joint Commission Comment. Instead of requiring that an update is conducted “within 24 hours after admission,” if the patient's condition changes, the Joint Commission recommends that

CMS modify the language to state, “at time of admit” since surgery or a procedure could be done before the 24 hour time frame.

Conditions of Participation: Nursing Services (§482.23)

CMS proposes to revise the nursing service requirements that address documentation of orders for drugs and biologicals. The proposed rule would allow the “practitioner who is responsible for the care of the patient as specified under 42 CFR § 482.12(c) and authorized to write orders by hospital policy in accordance with State law, to document and sign orders for administering drugs and biologicals, with the exception of influenza and pneumococcal polysaccharide vaccines. The proposed rule also uses the term verbal order for both telephone and oral orders. The revised CoP reinforces that if verbal orders are used, they are to be used infrequently and must only be accepted by individuals authorized to do so by hospital policy and procedures consistent with Federal and State laws.

Joint Commission Comment. The Joint Commission is supportive of the change to allow the hospital to determine who may document and sign for the administration of drugs and biologicals, except influenza and pneumococcal polysaccharide vaccines. Processes for receiving, transcribing, and authenticating verbal orders are imperative to protect the quality of patient care, treatment and services. This proposed revision is consistent with our current standards and National Patient Safety goal. Joint Commission requires hospitals to “*implement a process for taking verbal or telephone orders or receiving critical test results that require a verification “read-back” of the complete order or test result by the person receiving the order or test result*” (IM 6.50, EP 4).

Conditions of Participation: Medical Record Services (§482.24)

This proposed provision would require that all orders, including verbal orders, be dated, timed, and authenticated promptly by the prescribing practitioner. This proposed provision permits a temporary exception to the requirement that all orders, including verbal orders, be dated, timed,

and authenticated promptly by the prescribing practitioner for five years following the final rule. The exception allows for a practitioner other than the prescribing practitioner to authenticate the order to provide hospitals flexibility until the advancements of health information technology allow the originating physician to authenticate his or her own order in an efficient manner.

Joint Commission Comment. Due to the burden it would impose, the Joint Commission asks that CMS move away from requiring that **all** entries be authenticated. The Joint Commission requires authentication, at a minimum, for histories and physicals, operative reports, consults, and discharge summaries. The Joint Commission also requires authentication for other entries in accordance with law or regulation and hospital policy. If CMS requires authentication of all entries, we support the 5 year exception to accommodate advancements in health information technology (IT) and the plan to reevaluate IT advancements, prior to the end of the 5-year exception period.

Conditions of Participation: Pharmaceutical Services (§482.25)

CMS proposes to require that all drugs and biologicals be kept in a secure area, and locked when appropriate. CMS also proposes that drugs listed in Schedules II, III, IV, and V must be kept locked within a secure area and that only authorized personnel may have access to locked areas. Additionally, the proposed rule requires drugs and biologicals to be administered by or under the supervision of nursing or other personnel.

Joint Commission Comment. The Joint Commission suggests that CMS give more guidance as to what “locked when appropriate” means to reduce the potential for variability of interpretation (e.g., examples of what should be locked versus what does not need to be locked). The preamble notes that CMS is proposing to revise 42 CFR §482.25(b)(2) because it is current practice for hospitals to develop policies that allow patients to self-administer medications and keep selected medications at their bedside. Yet, the proposed revision to the regulatory language does not specifically address these two issues. The Joint Commission encourages CMS to specifically state in the regulatory text that self administration of medication and keeping selected

medications at the bedside are examples of when it might be “appropriate” not to place a drug or biological in a secure, locked area.

The Joint Commission defines self administration to include instances when a patient independently uses a medication, including a medication that may be held by the hospital for the independent use by the patient. The Joint Commission standards on self-administration outlines the safe and accurate administration of medication including patient education on dosage, frequency, route of administration and monitoring of potential side effects. Revising the CoP to specifically address patient self-administration would establish a consistent message for hospitals on the acceptability of self-administration of drugs and biologicals.

Conditions of Participation: Anesthesia Services (§482.52)

This proposed requirement would permit the post-anesthesia evaluation for inpatients to be completed and documented by any individual qualified to administer anesthesia within 48 hours after surgery.

Joint Commission Comment. The Joint Commission standards require that a patient is assessed immediately after a procedure. The Joint Commission recommends that the CoP is modified to state, “within 48 hours or before discharge, whichever comes first.” Consideration should be given to determine if there are any non-surgical procedures (e.g., childbirth) which may require a post anesthesia assessment.

Submitter : Dr. Jeffrey DeSantis
Organization : President, California Podiatric Med Assoc
Category : Physician

Date: 05/23/2005

Issue Areas/Comments

GENERAL

GENERAL

RE: CMS-3122-P

Hospital Conditions of Participation: Requirements for History and Physical Examinations; Proposed Rule (70 Fed. Reg. 15266, March 25, 2005)

Dear Dr. McClellan:

I am a podiatric physician and support the proposed revision to the Medicare Conditions of Participation (CoPs) for Hospitals, which specifies that a medical history and physical examination must be completed for each patient by a physician (as defined in section 1861(r) of the Act) or other qualified individual who has been granted these privileges by the medical staff in accordance with State law.

Podiatric physicians attend four years of podiatric medical school after college and, as part of the educational experience, receive training in the classroom and in clinical settings in the performance of histories and physicals (H&Ps). Upon graduation from a podiatric medical school, individuals are fully qualified to perform H&Ps.

Based on the education, training and experience of podiatric physicians, I believe that the proposed change to the H&P requirement is appropriate and I urge the Centers for Medicare & Medicaid Services (CMS) to finalize it without delay.

Thank you for your consideration of these comments.

Sincerely,

Submitter : Dr. Jonathan Kletz
Organization : Dr. Jonathan Kletz
Category : Physician

Date: 05/23/2005

Issue Areas/Comments

GENERAL

GENERAL

RE: CMS-3122-P

Hospital Conditions of Participation: Requirements for History and Physical Examinations; Proposed Rule (70 Fed. Reg. 15266, March 25, 2005)

Dear Dr. McClellan:

I am a podiatric physician and support the proposed revision to the Medicare Conditions of Participation (CoPs) for Hospitals, which specifies that a medical history and physical examination must be completed for each patient by a physician (as defined in section 1861(r) of the Act) or other qualified individual who has been granted these privileges by the medical staff in accordance with State law.

Podiatric physicians attend four years of podiatric medical school after college and, as part of the educational experience, receive training in the classroom and in clinical settings in the performance of histories and physicals (H&Ps). Upon graduation from a podiatric medical school, individuals are fully qualified to perform H&Ps.

Based on the education, training and experience of podiatric physicians, I believe that the proposed change to the H&P requirement is appropriate and I urge the Centers for Medicare & Medicaid Services (CMS) to finalize it without delay.

Thank you for your consideration of these comments.

Sincerely,

Submitter : Mrs. Dianna Branigan
Organization : Texas Health Resources
Category : Hospital

Date: 05/23/2005

Issue Areas/Comments

GENERAL

GENERAL

CMS-3122-P

482.24 Condition of Participation

Medical record services

(2)

(1)

(B) An updated medical record entry documenting an examination for any changes in the patient's condition when the medical history and physical examination are completed within 30 days before admission. This updated examination must be completed and documented in the patient's medical record within 24 hours after admission.

Comment:

Please clarify if an updated medical record entry would be required on every H&P done at any point within the 30 days prior to the day of admission.

Example: If the H&P was done 30 days prior to the admission, an updated note is required; if the H&P was done 15 days prior to admission, an updated note is required; if the H&P was done 6 days prior to admission, an updated note is required; if the H&P was done the day prior to admission, an updated note is required; if the H&P was done the day of admission, an updated note is not required.

If this is true, then this rule will be more burdensome than the previous 7 day rule as it will require an updated note to be placed on the record within 24 hours for every H&P done at any point within the 30 days prior to the day of admission.

Submitter : Dr. David Long
Organization : The Jackson Clinic
Category : Physician

Date: 05/23/2005

Issue Areas/Comments

GENERAL

GENERAL

Dear Dr. McClellan:

I am a podiatric physician and support the proposed revision to the Medicare Conditions of Participation (CoPs) for Hospitals, which specifies that a medical history and physical examination must be completed for each patient by a physician (as defined in section 1861(r) of the Act) or other qualified individual who has been granted these privileges by the medical staff in accordance with State law.

Podiatric physicians attend four years of podiatric medical school after college and, as part of the educational experience, receive training in the classroom and in clinical settings in the performance of histories and physicals (H&Ps). Upon graduation from a podiatric medical school, individuals are fully qualified to perform H&Ps.

Based on the education, training and experience of podiatric physicians, I believe that the proposed change to the H&P requirement is appropriate and I urge the Centers for Medicare & Medicaid Services (CMS) to finalize it without delay.

Thank you for your consideration of these comments.

Sincerely,

David H. Long, DPM FACFAS
The Jackson Clinic
1323 East Wood St.
Paris, TN 38237

Submitter : Mary Crane
Organization : Foot & Ankle Associates of N Texas
Category : Physician

Date: 05/23/2005

Issue Areas/Comments

GENERAL

GENERAL

RE: CMS-3122-P

Hospital Conditions of Participation: Requirements for History and Physical Examinations; Proposed Rule (70 Fed. Reg. 15266, March 25, 2005)

Dear Dr. McClellan:

I am a podiatric physician and support the proposed revision to the Medicare Conditions of Participation (CoPs) for Hospitals, which specifies that a medical history and physical examination must be completed for each patient by a physician (as defined in section 1861(r) of the Act) or other qualified individual who has been granted these privileges by the medical staff in accordance with State law.

Podiatric physicians attend four years of podiatric medical school after college and, as part of the educational experience, receive training in the classroom and in clinical settings in the performance of histories and physicals (H&Ps). Upon graduation from a podiatric medical school, individuals are fully qualified to perform H&Ps.

Based on the education, training and experience of podiatric physicians, I believe that the proposed change to the H&P requirement is appropriate and I urge the Centers for Medicare & Medicaid Services (CMS) to finalize it without delay.

Thank you for your consideration of these comments.

Sincerely,

Mary E Crane, DPM, FACFAS

Submitter : Dr. Babajide Ogunlana
Organization : West Houston Foot & Ankle Center
Category : Physician

Date: 05/23/2005

Issue Areas/Comments

GENERAL

GENERAL

Babajide Ogunlana, DPM, PLLC
1500 S Dairy Ashford Suite #277
Houston, TX 77077
Phone: (281) 558-9090
Fax: (281) 558-9093

RE: CMS-3122-P

Hospital Conditions of Participation: Requirements for History and Physical Examinations; Proposed Rule (70 Fed. Reg. 15266, March 25, 2005)

Dear Dr. McClellan:

I am a podiatric physician and support the proposed revision to the Medicare Conditions of Participation (CoPs) for Hospitals, which specifies that a medical history and physical examination must be completed for each patient by a physician (as defined in section 1861(r) of the Act) or other qualified individual who has been granted these privileges by the medical staff in accordance with State law.

Podiatric physicians attend four years of podiatric medical school after college and, as part of the educational experience, receive training in the classroom and in clinical settings in the performance of histories and physicals (H&Ps). Upon graduation from a podiatric medical school, individuals are fully qualified to perform H&Ps.

Based on the education, training and experience of podiatric physicians, I believe that the proposed change to the H&P requirement is appropriate and I urge the Centers for Medicare & Medicaid Services (CMS) to finalize it without delay.

Thank you for your consideration of these comments.

Sincerely,

Babajide Ogunlana, DPM, AACFAS
Houston, TX 77077

Submitter : Dr. Nancy Kaplan
Organization : NJPMS
Category : Physician

Date: 05/23/2005

Issue Areas/Comments

GENERAL

GENERAL

See Attachment

CMS-3122-P-311-Attach-1.DOC

RE: CMS-3122-P

Hospital Conditions of Participation: Requirements for History and Physical Examinations; Proposed Rule (70 Fed. Reg. 15266, March 25, 2005)

Dear Dr. McClellan:

I am a podiatric physician and support the proposed revision to the Medicare Conditions of Participation (CoPs) for Hospitals, which specifies that a medical history and physical examination must be completed for each patient by a physician (as defined in section 1861(r) of the Act) or other qualified individual who has been granted these privileges by the medical staff in accordance with State law.

Podiatric physicians attend four years of podiatric medical school after college and, as part of the educational experience, receive training in the classroom and in clinical settings in the performance of histories and physicals (H&Ps). Upon graduation from a podiatric medical school, individuals are fully qualified to perform H&Ps.

Based on the education, training and experience of podiatric physicians, I believe that the proposed change to the H&P requirement is appropriate and I urge the Centers for Medicare & Medicaid Services (CMS) to finalize it without delay.

Thank you for your consideration of these comments.

Sincerely,



TEXAS STATE BOARD OF PODIATRIC MEDICAL EXAMINERS

Physical Address: 333 Guadalupe; Suite 2-320; Austin, Texas 78701

Mailing Address: P.O. Box 12216; Austin, Texas 78711-2216

National Toll Free Complaint Hotline: 1-800-821-3205

Voice: 512-305-7000 Fax: 512-305-7165

"Assuring Quality Podiatric Medicine For The Citizens Of Texas"

Paul Kinberg, D.P.M.

Board Secretary

May
twenty-fourth
Two thousand five

Mark B. McClellan, M.D., Ph.D.
Administrator
Centers for Medicare and Medicaid Services
Department of Health and Human Services
P.O. Box 8010
Baltimore, MD 21244-8010

VIA ELECTRONIC TRANSMISSION

re: CMS 3122P: Hospital Conditions of Participation; Requirements for History and Physical Examination, Proposed Rule (70 Fed. Reg. 15266, March 25, 2005)

Dear Dr. McClellan,

The Texas State Board of Podiatric Medical Examiners wishes to express to you our support of the proposed rule change referenced above. Doctors of Podiatric Medicine licensed by our board have the requisite knowledge, skill, training and competence to perform history and physical examinations of hospitalized patients in the State of Texas under our scope of practice.

The current rule limiting podiatric physicians from performing history and physical examinations affects the quality of health care afforded to the citizens of Texas. It is our opinion that all physicians defined as such by Federal and state law and rules should be covered under the Conditions of Participation to perform history and physical examinations.

We would thank you in advance for your prompt finalization of this rule.

Sincerely,

Paul Kinberg, D.P.M.
Secretary

Submitter : Dr. Tracy Basso
Organization : California Podiatric Medical Association
Category : Physician

Date: 05/23/2005

Issue Areas/Comments

GENERAL

GENERAL

RE: CMS-3122-P

Hospital Conditions of Participation: Requirements for History and Physical Examinations; Proposed Rule (70 Fed. Reg. 15266, March 25, 2005)

Dear Dr. McClellan:

I am a podiatric physician and support the proposed revision to the Medicare Conditions of Participation (CoPs) for Hospitals, which specifies that a medical history and physical examination must be completed for each patient by a physician (as defined in section 1861(r) of the Act) or other qualified individual who has been granted these privileges by the medical staff in accordance with State law.

Podiatric physicians attend four years of podiatric medical school after college and, as part of the educational experience, receive training in the classroom and in clinical settings in the performance of histories and physicals (H&Ps). Upon graduation from a podiatric medical school, individuals are fully qualified to perform H&Ps.

Based on the education, training and experience of podiatric physicians, I believe that the proposed change to the H&P requirement is appropriate and I urge the Centers for Medicare & Medicaid Services (CMS) to finalize it without delay.

Thank you for your consideration of these comments.

Sincerely,

T. Basso, DPM, FACFAS

Submitter : Dr. Thomas Reed
Organization : Dr. Thomas Reed
Category : Physician

Date: 05/23/2005

Issue Areas/Comments

GENERAL

GENERAL

RE: CMS-3122-P

Hospital Conditions of Participation: Requirements for History and Physical Examinations; Proposed Rule (70 Fed. Reg. 15266, March 25, 2005)

Dear Dr. McClellan:

I am a podiatric physician and support the proposed revision to the Medicare Conditions of Participation (CoPs) for Hospitals, which specifies that a medical history and physical examination must be completed for each patient by a physician (as defined in section 1861(r) of the Act) or other qualified individual who has been granted these privileges by the medical staff in accordance with State law.

Podiatric physicians attend four years of podiatric medical school after college and, as part of the educational experience, receive training in the classroom and in clinical settings in the performance of histories and physicals (H&Ps). Upon graduation from a podiatric medical school, individuals are fully qualified to perform H&Ps.

Based on the education, training and experience of podiatric physicians, I believe that the proposed change to the H&P requirement is appropriate and I urge the Centers for Medicare & Medicaid Services (CMS) to finalize it without delay.

Thank you for your consideration of these comments.

Sincerely,

Submitter : Dr. john knecht
Organization : texas podiatric medical association
Category : Physician

Date: 05/24/2005

Issue Areas/Comments

GENERAL

GENERAL

Dear Dr. McClellan:

I am a podiatric physician and support the proposed revision to the Medicare Conditions of Participation (CoPs) for Hospitals, which specifies that a medical history and physical examination must be completed for each patient by a physician (as defined in section 1861(r) of the Act) or other qualified individual who has been granted these privileges by the medical staff in accordance with State law.

Podiatric physicians attend four years of podiatric medical school after college and, as part of the educational experience, receive training in the classroom and in clinical settings in the performance of histories and physicals (H&Ps). Upon graduation from a podiatric medical school, individuals are fully qualified to perform H&Ps.

Based on the education, training and experience of podiatric physicians, I believe that the proposed change to the H&P requirement is appropriate and I urge the Centers for Medicare & Medicaid Services (CMS) to finalize it without delay.

Thank you for your consideration of these comments.

Sincerely,
John G. Knecht, D.P.M.

Submitter : Dr. Mark Ryerson
Organization : Dr. Mark Ryerson
Category : Physician

Date: 05/24/2005

Issue Areas/Comments

GENERAL

GENERAL

Dear Dr. McClellan:

I am a podiatric physician and support the proposed revision to the Medicare Conditions of Participation (CoPs) for Hospitals, which specifies that a medical history and physical examination must be completed for each patient by a physician (as defined in section 1861(r) of the Act) or other qualified individual who has been granted these privileges by the medical staff in accordance with State law.

Podiatric physicians attend four years of podiatric medical school after college and, as part of the educational experience, receive training in the classroom and in clinical settings in the performance of histories and physicals (H&Ps). Upon graduation from a podiatric medical school, individuals are fully qualified to perform H&Ps.

Based on the education, training and experience of podiatric physicians, I believe that the proposed change to the H&P requirement is appropriate and I urge the Centers for Medicare & Medicaid Services (CMS) to finalize it without delay.

Thank you for your consideration of these comments.

Sincerely,

Dr. Mark A. Ryerson

Submitter : Dr. Joseph Caporusso
Organization : Dr. Joseph Caporusso
Category : Physician

Date: 05/24/2005

Issue Areas/Comments

GENERAL

GENERAL

Hospital Conditions of Participation: Requirements for History and Physical Examinations; Proposed Rule (70 Fed. Reg. 15266, March 25, 2005)

Dear Dr. McClellan:

I am a podiatric physician and support the proposed revision to the Medicare Conditions of Participation (CoPs) for Hospitals, which specifies that a medical history and physical examination must be completed for each patient by a physician (as defined in section 1861(r) of the Act) or other qualified individual who has been granted these privileges by the medical staff in accordance with State law.

Podiatric physicians attend four years of podiatric medical school after college and, as part of the educational experience, receive training in the classroom and in clinical settings in the performance of histories and physicals (H&Ps). Upon graduation from a podiatric medical school, individuals are fully qualified to perform H&Ps.

Based on the education, training and experience of podiatric physicians, I believe that the proposed change to the H&P requirement is appropriate and I urge the Centers for Medicare & Medicaid Services (CMS) to finalize it without delay.

Thank you for your consideration of these comments.

Sincerely,

Submitter : Dr. Joseph Bender

Date: 05/24/2005

Organization : Dr. Joseph Bender

Category : Physician

Issue Areas/Comments

GENERAL

GENERAL

Hospital Conditions of Participation: Requirements for History and Physical Examinations; Proposed Rule (70 Fed. Reg. 15266, March 25, 2005)

Dear Dr. McClellan:

I am a podiatric physician and support the proposed revision to the Medicare Conditions of Participation (CoPs) for Hospitals, which specifies that a medical history and physical examination must be completed for each patient by a physician (as defined in section 1861(r) of the Act) or other qualified individual who has been granted these privileges by the medical staff in accordance with State law.

Podiatric physicians attend four years of podiatric medical school after college and, as part of the educational experience, receive training in the classroom and in clinical settings in the performance of histories and physicals (H&Ps). Upon graduation from a podiatric medical school, individuals are fully qualified to perform H&Ps.

Based on the education, training and experience of podiatric physicians, I believe that the proposed change to the H&P requirement is appropriate and I urge the Centers for Medicare & Medicaid Services (CMS) to finalize it without delay.

Thank you for your consideration of these comments.

Sincerely,

Submitter : Dr. Bryan Prukop
Organization : Dr. Bryan Prukop
Category : Physician

Date: 05/24/2005

Issue Areas/Comments

GENERAL

GENERAL

Hospital Conditions of Participation: Requirements for History and Physical Examinations; Proposed Rule (70 Fed. Reg. 15266, March 25, 2005)

Dear Dr. McClellan:

I am a podiatric physician and support the proposed revision to the Medicare Conditions of Participation (CoPs) for Hospitals, which specifies that a medical history and physical examination must be completed for each patient by a physician (as defined in section 1861(r) of the Act) or other qualified individual who has been granted these privileges by the medical staff in accordance with State law.

Podiatric physicians attend four years of podiatric medical school after college and, as part of the educational experience, receive training in the classroom and in clinical settings in the performance of histories and physicals (H&Ps). Upon graduation from a podiatric medical school, individuals are fully qualified to perform H&Ps.

Based on the education, training and experience of podiatric physicians, I believe that the proposed change to the H&P requirement is appropriate and I urge the Centers for Medicare & Medicaid Services (CMS) to finalize it without delay.

Thank you for your consideration of these comments.

Sincerely,

Submitter : Dr. Gary Prant
Organization : Dr. Gary Prant
Category : Physician

Date: 05/24/2005

Issue Areas/Comments

GENERAL

GENERAL

RE: CMS-3122-P

Hospital Conditions of Participation: Requirements for History and Physical Examinations; Proposed Rule (70 Fed. Reg. 15266, March 25, 2005)

Dear Dr. McClellan:

I am a podiatric physician and support the proposed revision to the Medicare Conditions of Participation (CoPs) for Hospitals, which specifies that a medical history and physical examination must be completed for each patient by a physician (as defined in section 1861(r) of the Act) or other qualified individual who has been granted these privileges by the medical staff in accordance with State law.

Podiatric physicians attend four years of podiatric medical school after college and, as part of the educational experience, receive training in the classroom and in clinical settings in the performance of histories and physicals (H&Ps). Upon graduation from a podiatric medical school, individuals are fully qualified to perform H&Ps.

Based on the education, training and experience of podiatric physicians, I believe that the proposed change to the H&P requirement is appropriate and I urge the Centers for Medicare & Medicaid Services (CMS) to finalize it without delay.

Thank you for your consideration of these comments.

Sincerely,

Gary Prant, D.P.M.
Austin, Texas

Submitter : Dr. Mark Barinque
Organization : Dr. Mark Barinque
Category : Physician

Date: 05/24/2005

Issue Areas/Comments

GENERAL

GENERAL

RE: CMS-3122-P

Hospital Conditions of Participation: Requirements for History and Physical Examinations; Proposed Rule (70 Fed. Reg. 15266, March 25, 2005)

Dear Dr. McClellan:

I am a podiatric physician and support the proposed revision to the Medicare Conditions of Participation (CoPs) for Hospitals, which specifies that a medical history and physical examination must be completed for each patient by a physician (as defined in section 1861(r) of the Act) or other qualified individual who has been granted these privileges by the medical staff in accordance with State law.

Podiatric physicians attend four years of podiatric medical school after college and, as part of the educational experience, receive training in the classroom and in clinical settings in the performance of histories and physicals (H&Ps). Upon graduation from a podiatric medical school, individuals are fully qualified to perform H&Ps.

Based on the education, training and experience of podiatric physicians, I believe that the proposed change to the H&P requirement is appropriate and I urge the Centers for Medicare & Medicaid Services (CMS) to finalize it without delay.

Thank you for your consideration of these comments.

Sincerely,

Mark A. Barinque, DPM, FACFAS

Submitter : Dr. Richard Bronfman
Organization : APMA
Category : Physician

Date: 05/24/2005

Issue Areas/Comments

GENERAL

GENERAL

RE: CMS-3122-P

Hospital Conditions of Participation: Requirements for History and Physical Examinations; Proposed Rule (70 Fed. Reg. 15266, March 25, 2005)

Dear Dr. McClellan:

I am a podiatric physician and support the proposed revision to the Medicare Conditions of Participation (CoPs) for Hospitals, which specifies that a medical history and physical examination must be completed for each patient by a physician (as defined in section 1861(r) of the Act) or other qualified individual who has been granted these privileges by the medical staff in accordance with State law.

Podiatric physicians attend four years of podiatric medical school after college and, as part of the educational experience, receive training in the classroom and in clinical settings in the performance of histories and physicals (H&Ps). Upon graduation from a podiatric medical school, individuals are fully qualified to perform H&Ps.

Based on the education, training and experience of podiatric physicians, I believe that the proposed change to the H&P requirement is appropriate and I urge the Centers for Medicare & Medicaid Services (CMS) to finalize it without delay.

Thank you for your consideration of these comments.

Sincerely,
Richard A Bronfman, DPM
Little Rock, AR
rsbronfman@aol.com

Submitter : Dr. Paul Kinberg
Organization : Texas State Board of Podiatric Medical Examiners
Category : Physician

Date: 05/24/2005

Issue Areas/Comments

GENERAL

GENERAL

See Attachment

CMS-3122-P-322-Attach-1.DOC

Submitter : Dr. Brian Gale

Date: 05/24/2005

Organization : APMA

Category : Physician

Issue Areas/Comments

GENERAL

GENERAL

RE: CMS-3122-P

Hospital Conditions of Participation: Requirements for History and Physical Examinations; Proposed Rule (70 Fed. Reg. 15266, March 25, 2005)

Dear Dr. McClellan:

I am a podiatric physician and support the proposed revision to the Medicare Conditions of Participation (CoPs) for Hospitals, which specifies that a medical history and physical examination must be completed for each patient by a physician (as defined in section 1861(r) of the Act) or other qualified individual who has been granted these privileges by the medical staff in accordance with State law.

Podiatric physicians attend four years of podiatric medical school after college and, as part of the educational experience, receive training in the classroom and in clinical settings in the performance of histories and physicals (H&Ps). Upon graduation from a podiatric medical school, individuals are fully qualified to perform H&Ps.

Based on the education, training and experience of podiatric physicians, I believe that the proposed change to the H&P requirement is appropriate and I urge the Centers for Medicare & Medicaid Services (CMS) to finalize it without delay.

Thank you for your consideration of these comments.

Sincerely,

Brian D. Gale, DPM, FACFAS

Submitter : Dr. Mark Schilansky
Organization : Dr. Mark Schilansky
Category : Physician

Date: 05/24/2005

Issue Areas/Comments

GENERAL

GENERAL

RE: CMS-3122-P

Hospital Conditions of Participation: Requirements for History and Physical Examinations; Proposed Rule (70 Fed. Reg. 15266, March 25, 2005)

Dear Dr. McClellan:

I am a podiatric physician and support the proposed revision to the Medicare Conditions of Participation (CoPs) for Hospitals, which specifies that a medical history and physical examination must be completed for each patient by a physician (as defined in section 1861(r) of the Act) or other qualified individual who has been granted these privileges by the medical staff in accordance with State law.

Podiatric physicians attend four years of podiatric medical school after college and, as part of the educational experience, receive training in the classroom and in clinical settings in the performance of histories and physicals (H&Ps). Upon graduation from a podiatric medical school, individuals are fully qualified to perform H&Ps.

Based on the education, training and experience of podiatric physicians, I believe that the proposed change to the H&P requirement is appropriate and I urge the Centers for Medicare & Medicaid Services (CMS) to finalize it without delay.

Thank you for your consideration of these comments.

Sincerely,