

DEPARTMENT OF HEALTH & HUMAN SERVICES
Centers for Medicare & Medicaid Services
7500 Security Boulevard, Mail Stop S2-26-12
Baltimore, Maryland 21244-1850



Center for Medicaid and State Operations

OCT 16 2008

Brian M. Meyer
Director, Government Affairs Division
American Society of Health-System Pharmacists
7272 Wisconsin Avenue
Bethesda, MD 20814

Dear Mr. Meyer:

Thank you for your letter regarding clarification about the Centers for Medicare & Medicaid Services' (CMS) expectations for the use of "standing orders" or protocols in hospitals as discussed in the recent update to the interpretive guidelines for 42 CFR 482.23(c)(2).

Through the revised guidelines, published on February 8, 2008, CMS attempted to further clarify the requirements regarding the initiation of standing orders and protocols. It now appears that this clarification has confused providers, since CMS has heard from a number of organizations that seek assurances that CMS supports the use of protocols and standing orders to optimize the quality and safety of care provided to hospital patients and that CMS will not penalize hospitals that employ these best practices. As you may be aware, Dr. Barry Straube, CMS' Chief Medical Officer, and Thomas Hamilton, Director of the Survey and Certification Group, have held a number of conversations over the past few months with various stakeholders who have expressed concern with CMS' policy. I believe all parties now understand that there is a role for evidence-based protocols and standing orders, but that this issue is complex and requires a nuanced approach. We are working on both short-term and long-term approaches to achieve an appropriate resolution, and expect to issue further guidance to the hospital community in the near future.

Thank you for bringing these concerns to my attention.

Sincerely,

A handwritten signature in black ink, appearing to read "Herb B. Kuhn". The signature is fluid and cursive, with a long horizontal stroke at the end.

Herb B. Kuhn
Deputy Administrator
Acting Director, Center for Medicaid and State Operations