



Welcome to this edition of *Hospital Happenings*, a newsletter published by the North Dakota Department of Health, Division of Health Facilities. *Hospital Happenings* is designed to help hospitals stay up-to-date on various issues. Please share with your staff.

## Inside this issue

Registered Nurses and Medical Screening Exams	1
Plans Review Fees	1
New Survey and Certification Letters	2
Revised Appendix A, "Interpretive Guidelines for Hospitals"	2



*"A summer's sun is worth the having."*  
- French Proverb

## REGISTERED NURSES AND MEDICAL SCREENING EXAMS

The North Dakota Department of Health, Division of Health Facilities, received an Assistant Attorney General's Opinion regarding registered nurses performing medical screening exams. Below are excerpts from the June 2009 opinion:

"... It is my opinion that an advanced practice registered nurse may fulfill this function but a registered nurse may not do so under North Dakota law. The licensed health care practitioner shall determine the nature, level, and urgency of care required of all persons seeking treatment and categorized them accordingly, assuring that serious cases are accorded priority treatment. Under this rule, all persons seeking emergency treatment must be evaluated by a licensed health care practitioner. A licensed health care practitioner is defined to mean an individual who is licensed or certified to provide medical, medically related, or advanced registered nursing care to individuals in North Dakota. The first two provisions—medical or medically related—do not apply to nurses because the definition of nursing in state law excludes acts of medical diagnosis or treatment or the practice of medicine. . ."

Please review your current practice to ensure your facility is in compliance with the state and federal requirements.

## PLANS REVIEW FEES

The 2009 North Dakota State Legislature passed Senate Bill 2046. This bill was signed by the governor on April 21, 2009, filed with the secretary of state on April 22, 2009, and became effective immediately due to the emergency measure that was added to the bill. The bill granted authority to the Department of Health to charge a reasonable fee for the review of plans for construction, remodeling and installation projects in health-care facilities licensed by the Division of Health Facilities. This includes licensed hospitals, nursing homes and basic care facilities.

The current plan review fee schedule implemented is \$300 for small projects, \$900 for medium-sized projects and \$2,400 for large projects. The size of the project will be determined by our office and is based on the amount of time

necessary for the review and ultimate determination of compliance. Please note that the plans and/or specifications for projects submitted to our office will not be approved until this fee has been received.

State licensing rules require our office to review and approve plans and specifications for all construction, remodeling and installations prior to the start of construction and prior to implementing change orders. For hospitals, this rule is found in North Dakota Administrative Code 33-07-02.1-02. Routine maintenance (the repair or replacement of existing equipment, room finishes and furnishings, and similar activities) does not require the submission of plans and specifications. If you have questions please contact our office at 701.328.2352.





# HOSPITAL HAPPENINGS

## NEW SURVEY AND CERTIFICATION LETTERS

The Centers for Medicare and Medicaid Services (CMS) transmits memoranda, guidance, clarifications and instructions to state survey agencies and CMS regional offices through use of survey and certification (S&C) letters. Below is a list of the new S&C letters affecting hospitals since March 6, 2009.

The S&C letters are available at:

[www.cms.hhs.gov/SurveyCertificationGenInfo/PMSR/list.asp#TopOfPage](http://www.cms.hhs.gov/SurveyCertificationGenInfo/PMSR/list.asp#TopOfPage).

- S&C 09-41 Policy Regarding Unannounced Surveys. June 5, 2009

All surveys must be unannounced for all providers and suppliers, except for standard surveys of Clinical Laboratory Improvement Amendments (CLIA) laboratories and other limited exceptions. This includes standard surveys, complaint surveys and onsite revisit surveys.

- S&C 09-45 North Dakota and Minnesota Flooding Public Health Emergency and 1135 Waiver Termination. June 19, 2009

The secretary has determined the public health emergency no longer exists in North Dakota and Minnesota, and the 1135 waiver authority is ending concurrently with the termination of the

public health emergency.

- S&C 09-49 Initial Surveys of CAH Distinct Part of Units (DPUs) Changed to Tier 4 Priority Status. Aug. 7, 2009

Amends the guidance contained in S&C 08-03, issued on Nov. 5, 2007, concerning the workload priority for initial surveys of CAH DPUs. CAH DPU initial survey priority is changed from Tier 3 to Tier 4, effective Oct. 1, 2009

- S&C 09-52 EMTALA Requirements and Options for Hospitals in a Disaster. Aug. 14, 2009

Clarifies options that are permissible under EMTALA and should reassure the provider community and public health officials that there is existing flexibility under EMTALA.

- S&C 09-53 Surveying Facilities That Use Electronic Health Records (EHR). Aug. 14, 2009

The U.S. Department of Health and Human Services and CMS are committed to the goal that by 2014, most Americans will have access to health-care providers who use EHRs and their benefits to better patient/resident care and reduced costs.

## REVISED APPENDIX A, "INTERPRETIVE GUIDELINES FOR HOSPITALS"

CMS released Appendix A, "Interpretive Guidelines for Hospitals" effective June 5, 2009. This release incorporates language relating to 42 CFR 82.24(c)(1), concerning medical record entries. The revised Appendix A is available at: [www.cms.hhs.gov/manuals/Downloads/som107ap\\_a\\_hospitals.pdf](http://www.cms.hhs.gov/manuals/Downloads/som107ap_a_hospitals.pdf).



*"There are no seven wonders of the world in the eyes of a child. There are seven million."*  
~Walt Stieglitz



Hospital Happenings is published by:  
Division of Health Facilities  
North Dakota Department of Health  
600 E. Boulevard Ave., Dept. 301  
Bismarck, N.D. 58505-0200  
Phone: 701.328.2352  
Fax: 701.328.1890  
Web: [www.ndhealth.gov/HF/](http://www.ndhealth.gov/HF/)

Terry Dwelle, M.D., M.P.H.T.M, State Health Officer  
Darleen Bartz, Ph.D., Chief, Health Resources Section  
Bruce Pritschet, Director, Health Facilities  
Monte Engel, Director, Life Safety & Construction  
Bridget Weidner, Program Manager  
Rocksanne Peterson, Newsletter Design