

MDS Alert

CMS Provides Clarifications On Texting Physician Orders

The clarifications boil down to 'texting physician orders is forbidden.'

The Centers for Medicare and Medicaid Services (CMS) are homing in on technicalities about physician orders. Medicare Administrative Contractors (MACs) are denying Medicare claims if the orders are not signed by whoever authored the order (see story on page 19), and are focusing on eliminating other examples of noncompliance.

After years of gray areas on how (and whether) texting and medicine should mix, CMS released a memo expressly forbidding physicians or other providers from texting their orders.

"The practice of texting orders from a provider to a member of the care team is not in compliance with the Conditions of Participation (CoPs) or Conditions for Coverage (CfCs)," says **David R. Wright**, director of Survey and Certification Group at CMS in Baltimore, in a Dec. 28, 2017, memorandum.

Skilled nursing facilities (SNFs) and other long-term care environments may be less affected by this proclamation than other branches of health care that are more mobile, but SNFs may occasionally run into this issue and should have established policies for communication between staff and other providers.

Wright reminds state agency survey directors of CMS's preferred means and methods of order entry. "Computerized Provider Order Entry (CPOE) is the preferred method of order entry by a provider. CMS has held to the long-standing practice that a physician or Licensed Independent Practitioner (LIP) should enter orders into the medical record via a hand-written order or via CPOE. An order if entered via CPOE, with an immediate download into the provider's electronic health records (EHR), is permitted as the order would be dated, timed, authenticated, and promptly placed in the medical record," he says.

CMS acknowledges that texting has become an easy and reliable means of communication between staff and between providers, but emphasizes that providers cannot remain compliant with CoPs or CfCs if they text patient information, including orders.

"In order to be compliant with the CoPs or CfCs, all providers must utilize and maintain systems/platforms that are secure, encrypted, and minimize the risks to patient privacy and confidentiality as per HIPAA regulations and the CoPs or CfCs," Wright says.

"It is expected that providers/organizations will implement procedures/processes that routinely assess the security and integrity of the texting systems/platforms that are being utilized, in order to avoid negative outcomes that could compromise the care of patients," he adds.

The clarification forbidding texting became effective with the publishing of the memorandum, but all survey and certification staff, as well as state/regional office training coordinators were given 30 days to communicate the change.

Make sure your facility and staff remain compliant by reevaluating your policies and procedures concerning all texting at work.

Resources: Read the CMS memorandum here:

<https://www.cms.gov/Medicare/Provider-Enrollment-and-Certification/SurveyCertificationGenInfo/Downloads/Survey-and-Cert-Letter-18-10.pdf> and the Joint Commission's 2016 recommendations for texting patient care information, including orders, here: https://www.jointcommission.org/assets/1/6/Update_Texting_Orders.pdf.

