



PHYSICIAN ORDERS AND MEDICATIONS

Wisconsin Department of Health Services / Division of Quality Assurance
P-01905 (12/2021)

ISSUE

What constitutes a written physician order?

DISCUSSION

In assisted living facilities and adult day care settings, the regulations may indicate that a written order is required from a physician before staff can administer medications.

There have been some questions about what constitutes a written physician order and there have been some barriers to obtaining a written physician order which can cause harm to residents. For example, a resident comes back from a physician visit on a Friday afternoon and has new medications. The facility however does not have orders and are unable to reach the physician to obtain them until the following Monday. Another scenario is when a facility receives printed orders from an electronic health record and the medication orders do not contain a written physician signature.

This publication provides technical assistance related to what survey staff looks for in regards to a written physician order.

ANALYSIS

Adult Day Care Center (ADCC)

Wis. Admin. Code § DHS 105.14(7)(d)3.a

A written order from the prescribing practitioner shall be in the participant's record.

Adult Family Homes (AFH)

Wis. Admin. Code § DHS 88.07(3)(d)

Before a licensee or service provider dispenses or administers a prescription medication to a resident, the licensee shall obtain a written order from the physician who prescribed the medication specifying who by name or position is permitted to administer the medication, under what circumstances and in what dosage the medication is to be administered.

Residential Care Apartment Complex (RCAC)

There are no regulations that specifically address physician orders for medications.

Community Based Residential Facilities (CBRF)

Wis. Admin. Code § DHS 83.37(1)(a) Medications. (1) General requirements. (a) Practitioner's order.

There shall be a written practitioner's order in the resident's record for any prescription medication, over-the-counter medication or dietary supplements administered to a resident.

RESULT

A written practitioner order for specific medications can include the following:

1. Written order mailed, faxed, or hand delivered from the practitioner.
2. A MAR signed by the practitioner that is faxed, mailed, or hand delivered
3. A copy of a prescription that is faxed, mailed, or hand delivered by the pharmacist (Pharmacists have specific regulations that allow providing a copy of a prescription to a patient.)

4. A MAR signed by the pharmacist based on prescription orders signed by physician that pharmacist has on file.
5. An electronic order that is directly transmitted electronically to the facilities electronic health record (computer to computer transmission).
6. A printed copy of the electronic order contained in the practitioner's electronic health record that indicates the practitioner electronically signed the order. This printed copy is provided directly to the facility from the provider.
7. A printed copy of the electronic order from the pharmacy with evidence of signature.

The facility shall obtain one of the order types noted above within two business days. While waiting for an order of types 1-7 above, a facility can follow the instructions on the prescription label. This should happen only in situations where the pharmacy or physicians are unavailable to provide the written order.

*Please note that MARs, printed electronic orders, discharge summaries provided to the assisted living provider from the practitioner may not always be compliant for pharmacy prescription laws. For these reasons, pharmacists will need to contact the practitioner to obtain legal orders. When contact is made between the pharmacist and the practitioner, orders may --- in some cases--- be changed to avoid delays in the availability of medication. Assisted living facilities and pharmacists will need to communicate these changes and delays so that the assisted living facility has the current orders and has direction to delay administering the medication until available.

| | CBRF | AFH | RCAC | ADCC |
|---|-------------|---|--|---|
| Written order indicating which staff can administer. | Silent | Yes | Silent | No facility policy required |
| Written order for each medication when administered by staff | Yes | Yes | Yes All prescription drugs require a physician order at a pharmacy. | Yes |
| Written order for each medication when resident self-administers | Yes | No All prescription drugs require a physician order at a pharmacy. | No All prescription drugs require a physician order at a pharmacy. | No All prescription drugs require a physician order at a pharmacy. |