Myth or fact? Verbal orders are prohibited in health care

JUN 7, 2022

Tanya Albert Henry
Contributing News Writer

Some physicians and health systems operate under the assumption that federal health care policy and regulatory agency rules prohibit them from giving verbal orders. However, to the AMA’s knowledge, the Centers for Medicare & Medicaid Services (CMS) and The Joint Commission do not prohibit verbal orders from being used.

The AMA is spreading that message as part of a series of “Debunking Regulatory Myths” articles that provide clarification to physicians and their care teams in an effort to reduce the administrative burdens that divert doctors’ attention from the delivery of patient care.

“Physicians in Medicare-participating hospitals can use verbal orders as well as pre-printed and electronic standing orders, order sets and protocols. Verbal orders may be enacted immediately by individuals who are administering care within the scope of their licensure, certification or credentialing,” the myth article, “Are verbal orders prohibited?” says. “There are no CMS limitations on the use of verbal orders in the community (ambulatory care) setting.”

Be mindful of other restrictions

While federal agencies may not expressly prohibit spoken orders that a physician or other licensed independent practitioner (LIP) can give to the appropriate colleagues, most health systems have policies that restrict or set guidelines for verbal orders.

Some state laws may also limit these spoken orders and patient quality and safety organizations have cautioned about the practice because of risks they may introduce in some situations, the “Debunking Regulatory Myths” article notes.

Regulatory clarifications


Copyright 1995 - 2021 American Medical Association. All rights reserved.
While CMS doesn’t expressly prohibit the use of verbal orders, the agency’s regulations and guidance for hospitals are clear: verbal orders in the medication context are frowned upon, the article says.

Other things the AMA discovered that physicians should keep in mind when it comes to verbal orders based on the CMS and The Joint Commission rules, include:

- Verbal orders must be dated, timed, and authenticated promptly by the ordering practitioner or by another practitioner who is responsible for care of the patient, CMS says.
- Practitioners must act in compliance with state law, including scope of practice laws, hospital policies, and medical staff bylaws, rules and regulations.
- The authorized documentation assistant is encouraged to repeat back the verbal order, especially for new medication orders.
- There isn’t a specified time frame for documentation to be authenticated under The Joint Commission standards, so organizations can determine a time frame that complies with applicable state or local laws or regulations.
- Anyone providing documentation assistance in the ambulatory or hospital setting may—at a physician’s or LIP’s direction—enter orders into the EHR, The Joint Commission standards say.
- Federal regulations and accreditation agency standards do not require verbal order authentication in a specific time frame. Instead, their requirements are usually part of state licensure regulation.

The AMA’s debunking regulatory myths series is part of the AMA’s practice transformation efforts and provides physicians and their care teams with resources to reduce guesswork and administrative burdens so their focus can be on streamlining clinical workflow processes, improving patient outcomes and increasing physician satisfaction.

This series includes a webpage devoted to each regulatory myth, such as the one that support staff must log off an EHR between documentation. In these articles, the myth is stated and debunked, and resources are provided to remove any lingering doubt that the myth isn’t true. More articles are being added regularly.

Previous myths explored include whether:

- You must ask about a patient’s pain at every consult.
- Teaching physicians must re-document student EHR work.
- Ancillary staff can’t document parts of E/M services.

Physicians and members of their care team are invited to submit their queries about misinterpreted regulations that might be diverting their time from patients. Email the practice transformation team directly at debunkingregulatorymyths@ama-assn.org.

Copyright 1995 - 2021 American Medical Association. All rights reserved.