§ 482.12 Condition of participation: 
Governing body.

The hospital must have an effective 
governing body legally responsible for 
the conduct of the hospital as an insti -
tution. If a hospital does not have an 
organized governing body, the persons 
legally responsible for the conduct of 
the hospital must carry out the func -
tions specified in this part that pertain 
to the governing body.

(a) Standard: Medical staff. The gov -
erning body must:
(1) Determine, in accordance with 
State law, which categories of practi-
tioners are eligible candidates for ap-
pointment to the medical staff;
(2) Appoint members of the medical 
staff after considering the rec-
ommendations of the existing members 
of the medical staff;
(3) Assure that the medical staff has 
bylaws;
(4) Approve medical staff bylaws and 
other medical staff rules and regula-
tions;
(5) Ensure that the medical staff is 
accountable to the governing body for 
the quality of care provided to pa-
tients;
(6) Ensure the criteria for selection 
are individual character, competence, 
training, experience, and judgment;
and
(7) Ensure that under no cir-
cumstances is the accordance of staff 
membership or professional privileges 
in the hospital dependent solely upon 
certification, fellowship, or member-
ship in a specialty body or society.

(8) Ensure that, when telemedicine 
services are furnished to the hospital’s 
patients through an agreement with a 
distant-site telemedicine entity, the 
written agreement specifies that the 
distant-site telemedicine entity is a 
contractor of services to the hospital 
and as such, in accordance with 
§ 482.12(e), furnishes the contracted 
services in a manner that permits the 
hospital to comply with all applicable 
conditions of participation for the con-
tracted services, including, but not 
limited to, the requirements in para-
graphs (a)(1) through (a)(7) of this sec-
tion with regard to the distant-site 
telemedicine entity’s physicians and 
practitioners providing telemedicine 
services. The governing body of the 
hospital whose patients are receiving 
the telemedicine services may, in ac-
cordance with § 482.22(a)(4) of this part, 
grant privileges to physicians and prac-
titioners employed by the distant-site 
telemedicine entity based on such hos-
pital’s medical staff recommendations; 
such staff recommendations may rely 
on information provided by the dis-
tant-site telemedicine entity.

(b) Standard: Chief executive officer. 
The governing body must appoint a 
chief executive officer who is respon-
sible for managing the hospital.

(c) Standard: Care of patients. In ac-
cordance with hospital policy, the gov-
erning body must ensure that the fol-
lowing requirements are met:
(1) Every Medicare patient is under 
the care of:
(i) A doctor of medicine or osteo-
pathy (This provision is not to be con-
strained to limit the authority of a doc-
tor of medicine or osteopathy to dele-
gate tasks to other qualified health 
care personnel to the extent recognized 
under State law or a State’s regulatory 
mechanism.);
(ii) A doctor of dental surgery or den-
tal medicine who is legally authorized 
to practice dentistry by the State and 
who is acting within the scope of his or 
her license;
(iii) A doctor of podiatric medicine, 
but only with respect to functions 
which he or she is legally authorized by 
the State to perform;
(iv) A doctor of optometry who is le-
gally authorized to practice optometry
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by the State in which he or she practices:

(v) A chiropractor who is licensed by the State or legally authorized to perform the services of a chiropractor, but only with respect to treatment by means of manual manipulation of the spine to correct a subluxation demonstrated by x-ray to exist; and

(vi) A clinical psychologist as defined in §410.71 of this chapter, but only with respect to clinical psychologist services as defined in §410.71 of this chapter and only to the extent permitted by State law.

(2) Patients are admitted to the hospital only on the recommendation of a licensed practitioner permitted by the State to admit patients to a hospital. If a Medicare patient is admitted by a practitioner not specified in paragraph (c)(1) of this section, that patient is under the care of a doctor of medicine or osteopathy.

(3) A doctor of medicine or osteopathy is on duty or on call at all times.

(4) A doctor of medicine or osteopathy is responsible for the care of each Medicare patient with respect to any medical or psychiatric problem that—

(i) is present on admission or develops during hospitalization; and

(ii) Is not specifically within the scope of practice of a doctor of dental surgery, dental medicine, podiatric medicine, or optometry; a chiropractor; or clinical psychologist, as that scope is—

(A) Defined by the medical staff;

(B) Permitted by State law; and

(C) Limited, under paragraph (c)(1)(v) of this section, with respect to chiropractors.

(d) Standard: Institutional plan and budget. The institution must have an overall institutional plan that meets the following conditions:

(1) The plan must include an annual operating budget that is prepared according to generally accepted accounting principles.

(2) The budget must include all anticipated income and expenses. This provision does not require that the budget identify item by item the components of each anticipated income or expense.

(3) The plan must provide for capital expenditures for at least a 3-year period, including the year in which the operating budget specified in paragraph (d)(2) of this section is applicable.

(4) The plan must include and identify in detail the objective of, and the anticipated sources of financing for, each anticipated capital expenditure in excess of $600,000 (or a lesser amount that is established, in accordance with section 1122(g)(1) of the Act, by the State in which the hospital is located) that relates to any of the following:

(i) Acquisition of land;

(ii) Improvement of land, buildings, and equipment; or

(iii) The replacement, modernization, and expansion of buildings and equipment.

(5) The plan must be submitted for review to the planning agency designated in accordance with section 1122(b) of the Act, or if an agency is not designated, to the appropriate health planning agency in the State. (See part 100 of this title.) A capital expenditure is not subject to section 1122 review if 75 percent of the health care facility’s patients who are expected to use the service for which the capital expenditure is made are individuals enrolled in a health maintenance organization (HMO) or competitive medical plan (CMP) that meets the requirements of section 1876(b) of the Act, and if the Department determines that the capital expenditure is for services and facilities that are needed by the HMO or CMP in order to operate efficiently and economically and that are not otherwise readily accessible to the HMO or CMP because—

(i) The facilities do not provide common services at the same site;

(ii) The facilities are not available under a contract of reasonable duration;

(iii) Full and equal medical staff privileges in the facilities are not available;

(iv) Arrangements with these facilities are not administratively feasible; or

(v) The purchase of these services is more costly than if the HMO or CMP provided the services directly.

(6) The plan must be reviewed and updated annually.

(7) The plan must be prepared—
(i) Under the direction of the governing body; and
(ii) By a committee consisting of representatives of the governing body, the administrative staff, and the medical staff of the institution.

(e) Standard: Contracted services. The governing body must be responsible for services furnished in the hospital whether or not they are furnished under contracts. The governing body must ensure that a contractor of services (including one for shared services and joint ventures) furnishes services that permit the hospital to comply with all applicable conditions of participation and standards for the contracted services.

(1) The governing body must ensure that the services performed under a contract are provided in a safe and effective manner.

(2) The hospital must maintain a list of all contracted services, including the scope and nature of the services provided.

(f) Standard: Emergency services. (1) If emergency services are provided at the hospital, the hospital must comply with the requirements of §482.55.

(2) If emergency services are not provided at the hospital, the governing body must assure that the medical staff has written policies and procedures for appraisal of emergencies, initial treatment, and referral when appropriate.

(3) If emergency services are provided at the hospital but are not provided at one or more off-campus departments of the hospital, the governing body of the hospital must assure that the medical staff has written policies and procedures in effect with respect to the off-campus department(s) for appraisal of emergencies and referral when appropriate.


§ 482.13 Condition of participation: Patient's rights.

A hospital must protect and promote each patient’s rights.

(a) Standard: Notice of rights—(1) A hospital must inform each patient, or when appropriate, the patient’s representative (as allowed under State law), of the patient’s rights, in advance of furnishing or discontinuing patient care whenever possible.

(2) The hospital must establish a process for prompt resolution of patient grievances and must inform each patient whom to contact to file a grievance. The hospital’s governing body must approve and be responsible for the effective operation of the grievance process and must review and resolve grievances, unless it delegates the responsibility in writing to a grievance committee. The grievance process must include a mechanism for timely referral of patient concerns regarding quality of care or premature discharge to the appropriate Utilization and Quality Control Quality Improvement Organization. At a minimum:

(i) The hospital must establish a clearly explained procedure for the submission of a patient’s written or verbal grievance to the hospital.

(ii) The grievance process must specify time frames for review of the grievance and the provision of a response.

(iii) In its resolution of the grievance, the hospital must provide the patient with written notice of its decision that contains the name of the hospital contact person, the steps taken on behalf of the patient to investigate the grievance, the results of the grievance process, and the date of completion.

(b) Standard: Exercise of rights. (1) The patient has the right to participate in the development and implementation of his or her plan of care.

(2) The patient or his or her representative (as allowed under State law) has the right to make informed decisions regarding his or her care. The patient’s rights include being informed of his or her health status, being involved in care planning and treatment, and being able to request or refuse treatment. This right must not be construed as a mechanism to demand the provision of treatment or services deemed medically unnecessary or inappropriate.

(3) The patient has the right to formulate advance directives and to have hospital staff and practitioners who