

1  
2  
3 **Title:** CMS Guidelines and Homes for the Aged – LPN Scope of  
4 Practice

5  
6 **Introduced by:** Domenic R. Federico, MD, for the Kent County Delegation

7  
8 **Original Author:** Jayne E. Courts, MD

9  
10 **Referred to:** Reference Committee B

11  
12 **House Action:**  
13

---

14  
15 **Whereas, the Center for Medicare and Medicaid Services (CMS) Home for**  
16 **the Aged guideline R325.1932 allows for resident medications to be “given,**  
17 **taken, or applied pursuant to labeling instructions or signed orders by the**  
18 **prescribing licensed health care professional,” and**

19  
20 **Whereas, the CMS Home for the Aged definition (12) lists a licensed**  
21 **practical nurse as a “Licensed health care professional,” and**

22  
23 **Whereas, the presence of a licensed practical nurse (LPN) is not required**  
24 **at a Home for the Aged (Assisted Living facility), yet many facilities choose to**  
25 **employ LPNs to help provide health care for their residents, and**

26  
27 **Whereas, CMS surveyors have chosen to disallow the receipt of verbal**  
28 **orders by LPNs at some of these facilities, even though the LPNs are practicing**  
29 **within their scope of practice, and**

30  
31 **Whereas, the need for a written/faxed order may inhibit expeditious care**  
32 **for these residents when a duly licensed LPN is available on-site for their acute**  
33 **care needs; therefore be it**

34  
35 **RESOLVED: That MSMS encourage CMS to allow the receipt of verbal**  
36 **orders in Homes for the Aged which employ licensed practical nurses so that**  
37 **appropriate care may be provided in a more expeditious manner; and be it**  
38 **further**

39  
40 **RESOLVED: That MSMS ask CMS to change guideline R325.1932 to**  
41 **clearly allow receipt for verbal orders as the CMS surveyors currently vary their**  
42 **own interpretation of this guideline which makes the Home for the Aged**  
43 **facilities vulnerable to unfair citations.**

44  
45  
46 **WAYS AND MEANS COMMITTEE FISCAL NOTE: NONE**

---