

**DOH** STATE OF NEW YORK  
DEPARTMENT OF HEALTH

433 River Street, Suite 303

Troy, New York 12180-2299

Antonia C. Novello, M.D., M.P.H., Dr.P.H.  
*Commissioner*

Dennis P. Whalen  
*Executive Deputy Commissioner*

November 21, 2005

Dear Chief Executive Officer:

Article 37 of the Public Health Law was recently amended. This new law authorizes physician's assistants (PA) to write inpatient medical orders without a supervising physician's countersignature, if permissible under the hospital's medical staff bylaws, rules and regulations. This law will go into effect on November 23, 2005. To fully implement this law, the Department is in the process of amending Part 94 and Part 80 of Title 10 of the New York Code of Rules and Regulations. The Department expects that these amended regulations will be adopted in 2006.

The new law offers hospitals more flexibility to determine how physician supervision of physician's assistants will be demonstrated. Effective November 23, 2005, a hospital may develop an approach that would terminate the countersignature requirement for inpatient medical orders written by physician's assistants or institute a tiered system that would eliminate the countersignature requirement as the PA demonstrates increased competencies secondary to training and experience. Alternatively, a hospital can still opt to maintain the countersignature requirement for their PAs.

Whether a hospital decides to maintain, terminate, or develop a tiered approach to this issue (i.e. physician countersignature of inpatient medical orders written by physician's assistants), the Department of Health would expect that the hospital's medical staff bylaws, rules and regulations would clearly address the issue and describe the plan for assuring evidence of continuous PA supervision.

A copy of the new law, codified as Public Health Law sec. 3703, is enclosed for your convenience. Should you have any questions regarding this, please contact Ruth Leslie of my staff at (518) 402-1003.

Sincerely,



Martin J. Conroy  
Director  
Bureau of Hospital & Primary Care Services

**§ 3703. Inpatient medical orders.**

A registered physician's assistant employed or extended privileges by a hospital may, if permissible under the bylaws, rules and regulations of the hospital, write medical orders, including those for controlled substances, for inpatients under the care of the physician responsible for his or her supervision. Countersignature of such orders may be required if deemed necessary and appropriate by the supervising physician or the hospital, but in no event shall countersignature be required prior to execution.

\* NB Effective November 23, 2005