



## Department of Health

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Commissioner

**SALLY DRESLIN, M.S., R.N.**  
Executive Deputy Commissioner

January 6, 2020

DHDTTC DAL 20-02  
RE: Newborn Standing Orders

Dear Hospital Chief Executive Officer/Birth Center Director:

The purpose of this letter is to clarify a recent amendment to Public Health Law (PHL) Article 28 Section 2803-v2 concerning standing orders for newborn care. The law states that “a hospital may establish standing orders for the care of newborns in the hospital until the discharge of the newborn from the hospital following the birth, which may authorize an attending nurse to provide services and care to healthy newborns.”

Please note that newborn standing orders must be reviewed and approved by the hospital’s medical staff, nursing and pharmacy leadership and signed by a physician affiliated with the hospital or, in the case of a midwifery birth center, by a midwife affiliated with the hospital. A standing order shall be dated, timed, and authenticated promptly in the patient’s medical record by the attending practitioner. A standing order shall provide for the circumstances in which the change in the condition of the newborn or newborn’s mother require departure from the terms of the standing order. It may provide for circumstances in which it shall not be implemented, which may include, but are not limited to:

- lack of or inadequate prenatal care;
- a birth not attended by an attending practitioner;
- a birth not occurring in a hospital; or
- a premature or low birth weight birth.

The law also states the following: “Where an attending nurse implementing a standing order becomes aware of circumstances that, in his or her professional judgement, reasonably indicate a need to depart from the terms of the standing order, he or she shall so advise the attending practitioner.” To be clear, a nurse can choose not to carry out a standing order if he or she becomes aware of circumstances such as those above that make it inappropriate to do so. The nurse needs to advise the attending practitioner if the standing order is not executed. However, a nurse may not change a standing order without first consulting with the attending practitioner. The text of the law can be found at the following link: [https://www.nysenate.gov/legislation/laws/PBH/2803-V\\*2](https://www.nysenate.gov/legislation/laws/PBH/2803-V*2)

The New York State Education Department and the Department of Health will be working together to develop additional guidance related to how the new law affects the scope of practice for nursing. Questions can be directed to the Division of Hospitals and Diagnostic and Treatment Centers at (518) 402-1004 or by email to [hospinfo@health.ny.gov](mailto:hospinfo@health.ny.gov).

Sincerely,

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