

Eugene A. Gillis, M.D., Health Commissioner
502 City Hall Annex
Isador Kranzel, Assistant City Solicitor
713 City Hall Annex
REGULATIONS FOR MATERNITY AND NEWBORN SERVICES

3/4/63

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This is to advise you that the Regulations for Maternity and Newborn Services became effective on February 18, 1963 and under the Enforcement Provisions of the Regulations, the enforcement date is March 1, 1963.

IK:rj

cc: Mr. Baker

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MAR 5 9 56 AM '63
DEPT. OF RECORDS
PHILA., PA.

Eugene A. Gillis, M.D.
Commissioner, Department of Public Health
Charles A. Baker, Commissioner, Department of Records

February 20, 1963

REGULATIONS FOR MATERNITY AND NEWBORN SERVICES

The memorandum sent to the Secretary of the Board of Health by the Administrative Office of this Department, and dated February 15, 1963, states that the subject regulations were filed with the Department of Records on February 8, 1963 and that, if there were no requests for a hearing, they would become effective on March 9, 1963 - thirty days after the date of filing.

Since that date, our Administrative Office, in telephone conversations with Mr. Walkowiak, Secretary of the Board of Health, and Mr. Kranzel, Assistant City Solicitor, has learned that these regulations were, in fact, modified rather than amended and, therefore, should not have been readvertised. However, Mr. Kranzel has advised us that the legal advertisement may not be retracted. Hence, these regulations will have to remain amended rather than modified.

The misinterpretation of the information transmitted to us by the Health Department on February 8, 1963 can be attributed to two factors:

(1) Until February 8, 1963, the last correspondence received from the Health Department regarding the proposed Regulations for Maternity and Newborn Services was dated September 11, 1962. This correspondence consisted of a copy of a letter sent by you to John Markle, Jr., Esq., telling him that the hearing on the regulations had been re-scheduled for September 27, 1962. No additional written information was received from your Department until February 8, 1963. The only contacts with the Health Department regarding the subject regulations were two telephone calls - one in early October, 1962 and one shortly after January 1, 1963 to your agency to inquire about the outcome of the hearing. In both instances the Department of Records was merely told that "Health was working on the regulations."

Even though the Home Rule Charter does not specify a time limit for the filing of a report of a hearing, it has been the practice of most city agencies to submit such reports within a few days after the hearings.

(2) Despite the fact that the memorandum (dated February 8, 1963) sent by Health to the Administrative Office of Records stated that the transmitted information contained modifications of the subject regulations, the accompanying copy of a memorandum from the Law Department (dated February 7, 1963) stated that they are amendments to the above regulations.

In the future, this Department will take all necessary precautions to prevent misinterpretation of information concerning the filing of regulations, and/or amendments/modifications of the same. Hereafter, within a few days after a hearing has been requested and held, our Administrative Office would like a memorandum from your agency telling us about the outcome of the meeting and when and if modifications and/or amendments of regulations will eventually be filed with us. We, in turn, upon receipt of such modifications and/or amendments, will contact Health to determine the exact nature of the information sent to us.

I trust that this memorandum will serve as an adequate explanation for what has transpired between your Agency and the Department of Records.

CAB:vc1

MEMORANDUM

CITY OF PHILADELPHIA

TO: Mr. Charles A. Baker, Commissioner
Department of Records
Eugene A. Gillis, M.D.,
Health Commissioner
SUBJECT: REGULATIONS FOR MATERNITY AND NEWBORN SERVICES

DATE 2-18-63

Reference is made to a memorandum from the Secretary of the Board of Health on February 8, 1963 transmitted to the Department of Records in accordance with Section 8-407(c) of the Philadelphia Home Rule Charter for filing of a report of the Board of Health on the modifications to the above suggested regulations following a public hearing.

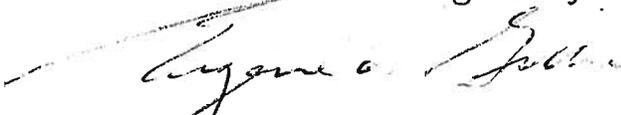
In a memorandum dated February 15, 1963 on the above subject from the administrative office of the Department of Records to the Secretary of the Board of Health, it states that the suggested regulations were advertised in three local newspapers on February 12, 1963 and that if there are no requests for a hearing, the results would become effective on March 9, 1963.

Insofar as the regulations were filed with the Department of Records on June 24, 1962, and a public hearing was held on the suggested regulations on September 27, 1962 in accordance with Section 8-407(c) of the Charter, a report of the hearing modifying the suggested regulations with the approval of the Law Department was filed with the Department of Records on February 8, 1963 it would seem to me then that the regulations would become effective "at midnight of the tenth day after a report has been filed when a hearing has been requested and held." I have quoted from the Section 8-407(c) of the Home Rule Charter. If this is the case, the suggestions become effective on February 18 or 19, 1963 and not March 9, 1963.

Furthermore, in this case since the regulations never became effective after filing them on June 24, 1962 because a public hearing was requested and then held; they were not actually amended but only modified after holding the hearing and therefore, in my opinion, would not have to be advertised again.

It would be appreciated then that (1) the thirty-day advertising period be rescinded and that (2) the Department of Records certify to the Department of Public Health that the regulations are effective.

Your comment and cooperation on this matter is greatly appreciated.


Eugene A. Gillis, M.D.,
Health Commissioner

Henry V. Walkowiak, Secretary, Board of Health

2/7/63

Isador Kranzel, Assistant City Solicitor

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Regulations for Maternity and Newborn Services

In accordance with Section 8-407(c) of the Philadelphia Home Rule Charter, the Law Department approves amendments to the above regulations which regulations were originally approved by the Board of Health on May 24, 1962, and by the Law Department on May 31, 1962, and were forwarded to the Department of Records on June 24, 1962. It should be noted that the Board of Health held public hearing on May 27, 1962, in accordance with Section 8-407(c) of the Charter. As a result of this hearing, the Board of Health has submitted the above regulations, as amended, to the Law Department and the Law Department hereby approves them.

Approval:


Isador Kranzel
Assistant City SolicitorIK/b
Atts.

Warren Weiner, Office of the City Representative
Room 215, City Hall
D. Unruh, Administrative Office, Department of Records
Room 158, City Hall
AMENDED REGULATIONS FOR MATERNITY AND NEWBORN SERVICES

February 8, 1963

*Unruh
E. Unruh*

The above regulations, filed with the Department of Records on February 8, 1963, will be advertised in three local newspapers on February 11, 1963. If there are no requests for a hearing, these regulations will become effective on March 9, 1963.

MEMORANDUM

CITY OF PHILADELPHIA

DATE 2/8/63

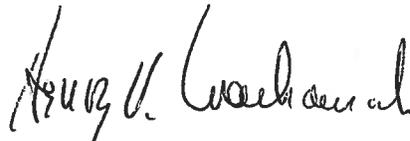
TO: Charles A. Baker, Commissioner,
Department of Records, 160 City Hall
FROM: Henry V. Walkowiak, Secretary, Board of Health,
Department of Public Health, 502 City Hall Annex
SUBJECT: REGULATIONS FOR MATERNITY AND NEWBORN SERVICES

In accordance with Section 8-407(c) of the Philadelphia Home Rule Charter, transmitted herewith for file are modifications to the above subject regulations which were originally filed with the Department of Records on June 24, 1962 after approval by the Board of Health on May 24, 1962 and the Law Department on May 31, 1962.

The Board of Health held a public hearing on these regulations on September 27, 1962 in accordance with Section 8-407(c) of the Charter. As a result of this hearing, the Board of Health modified the regulations, as attached, on the January 24, 1963 regular meeting. Also attached is a revised copy of the subject regulations containing all the modifications.

These modifications were approved by the Law Department on February 7, 1963. A copy of this approval is attached.

It is requested that this office be advised in writing of the effective date of the regulations.



Henry V. Walkowiak

HVW:rj

attachments

cc: Dr. Gillis
Dr. Polk

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DEPT. OF RECORDS
PHILA., PA.

CITY OF PHILADELPHIA
DEPARTMENT OF PUBLIC HEALTH
BOARD OF HEALTH

REGULATIONS FOR MATERNITY AND NEWBORN SERVICES

On January 24, 1963 the Board of Health, meeting in regular session, approved the following changes to the Regulations for Maternity and Newborn Services which were promulgated by the Board on May 24, 1962 (draft copy dated May 17, 1962):

In Introduction, add the following: It should be noted that some of the sections of these regulations have a delayed enforcement date, but in no event shall the enforcement of any section of these regulations be effective later than January 1, 1968.

Section 1, change "In these regulations" to read "In this regulation".

Section 1(c), delete "an accredited". Sentence will read "a person who has graduated from a school of nursing...".

Section 1(h), add the word "major". Sentence to read "Any major construction...".

Section 1(l), delete the word "qualified", add word "eligible". Sentence to read "...certified or eligible for examination...".

Section 1(m), delete the word "qualified", add word "eligible". Sentence to read "...who is certified or eligible for examination...".

Section 2(d), change sentence to read from "...the date of promulgation by the Board of Health of these regulations, all such hospitals..." to read "...the effective date of these regulations, all hospitals...". Change to read "...to be constructed after the adoption of these regulations..." to read "...to be constructed after the effective date of these regulations...".

Section 2(g), delete the words "twenty-four (24) months and".

Section 3(d), delete "shall be appointed from the obstetric and gynecologic staff and".

Section 3(f), add to the end of sentence 3 the words "except that" and make sentence 3 part of sentence 2 so that it will read "Such nursing supervisor shall be a full time employee of the institution and, while acting in such capacity, shall not be employed on any service other than the maternity or newborn service except that the nursing supervisor of the maternity service may, if necessary, serve simultaneously as nursing supervisor of the newborn service and gynecology service."

Section 3(k), add to the end of sentence 3 the words "except that" and make sentence 3 part of sentence 2 so that it will read "Such nursing supervisor shall be a full time employee of the institution and, while acting in such capacity, shall not be employed on any service other than the maternity or newborn service except that the nursing supervisor of the maternity service may, if necessary, serve simultaneously as nursing supervisor of the newborn service and gynecology service."

Regulations for Maternity and Newborn Services - 2

Section 4(c)(2), this section to read as follows with additions indicated by underscore:

(2) Space and Capacity of Labor Room.

- (a.) Each labor room shall have not less than eighty (80) square feet of floor space per bed. Adequate arrangements shall be furnished for privacy of each patient in the labor room.
- (b.) At no time shall there be more than four (4) beds in a labor room. Each labor room unit shall have at least three (3) feet between beds when there is more than one (1) bed in the room. This section shall not be enforced until January 1, 1968 for maternity and newborn units constructed prior to August 1, 1962.
- (c.) In all new construction individual labor rooms shall be provided. All windows of labor rooms shall be protected to prevent escape of patients. This section shall not be enforced until January 1, 1968 for maternity and newborn units constructed prior to March 1, 1963.

Section 4(c)(3), this section to read as follows with additions indicated by underscore:

(3) Number and Equipment of Delivery Rooms.

- (a.) The delivery room shall be in the maternity unit and shall be used exclusively by the maternity and newborn services. Delivery rooms shall be provided in the ratio of at least one (1) delivery room for not more than twenty (20) maternity beds exclusive of beds for complications of pregnancy. There shall be at all times available on each delivery floor supplies and equipment for routine and emergency care of mother and infant.*
- (b.) There shall be a minimum of two hundred and ninety (290) square feet for each delivery room. This section shall not be enforced until January 1, 1968 for maternity and newborn units constructed prior to March 1, 1963.

Section 4(c)(14), this section to read as follows with additions indicated by underscore:

(14) Recovery Room.

- (a.) An adequately equipped recovery room shall be maintained in the labor and delivery room unit. This section shall not be enforced until January 1, 1968 for maternity and newborn units constructed prior to March 1, 1963. For maternity and newborn units constructed prior to March 1, 1963, the following shall apply: A recovery

Regulations for Maternity and Newborn Services - 3

room shall be provided for a service of more than twelve (12) beds.

- (b.) The room shall be under the supervision of a licensed professional nurse. Whenever a patient is present in the recovery room, a responsible person [see Section 4(c)(5)] must be present constantly. All patients must be maintained in the recovery room for a minimum of one (1) hour postpartum.

Section 4(d)(1), this section to read as follows with additions indicated by underscore:

(1) Physical Facilities for Care.

- (a.) Multi-occupancy rooms for delivered patients shall have not less than eighty (80) square feet of floor space per maternity bed. In such multi-occupancy rooms, equipment shall be provided to insure privacy for each patient. Single bedrooms shall have not less than one hundred (100) square feet of floor space.
- (b.) Multi-occupancy rooms for delivered patients shall have at least three (3) feet between beds in rooms housing more than one (1) patient. This section shall not be enforced until January 1, 1968 for maternity and newborn units constructed prior to August 1, 1962.

Section 4(d)(2), add the following to the end of the paragraph "This section shall not be enforced until January 1, 1968 for maternity and newborn units constructed prior to March 1, 1963. For maternity and newborn units constructed prior to August 1, 1962, the following shall apply: There shall be provided toilet facilities and a bathroom. For maternity and newborn units constructed between August 1, 1962 and March 1, 1963, the following shall apply: Toilet facilities shall be provided in the ratio of one (1) toilet to eight (8) patients, and one (1) bathroom for each nursing unit."

Section 5(b)(3)(b.), this section to read as follows with additions indicated by underscore:

(b.) Nurses' Station and Chart Room.

- (1.) The nurses' station shall be used for review and writing of records by the physicians and nurses and for donning gowns and caps. Minimum contents should be a chart, desk, telephone, cabinet for clean caps and gowns and receptacle for used caps and gowns.
- (2.) The nurses' station shall be contiguous with the nursery room so that it serves as the entrance from the corridor into the nurseries and so that administrative facilities may be handled separately

from medical facilities. This section shall not be enforced until January 1, 1968 for maternity and newborn units constructed prior to August 1, 1962.

- (3.) There shall be viewing windows from the nurses' station to each nursery room. This section shall not be enforced until January 1, 1968 for maternity and newborn units constructed prior to March 1, 1963.

Section 5(b)(3)(c.), this section to read as follows with additions indicated by underscore:

(c.) Floor Space of Nursery.

- (1.) There shall be aisles at least two (2) feet in width between bassinets and there shall be no more than twelve (12) bassinets in each full-term nursery.
- (2.) Each nursery room shall provide a minimum of twenty-four (24) square feet of floor space for each bassinet. This section shall not be enforced until January 1, 1968 for maternity and newborn units constructed prior to August 1, 1962. For maternity and newborn units constructed before August 1, 1962, the following shall apply: Each nursery room shall provide a minimum of sixteen (16) square feet of floor space for each bassinet.

Section 5(b)(3)(d.), this section to read as follows with additions indicated by underscore:

(d.) Treatment Room.

- (1.) Any treatment table shall be draped for each infant with fresh linen or paper sheeting.
- (2.) Each nursery for newborn infants weighing over five (5) pounds eight (8) ounces (2500 grams) at birth shall have contiguous therewith an area or room where necessary diagnostic or therapeutic procedures, which cannot be done in the infant's bassinet, may be carried out. This section shall not be enforced until January 1, 1968 for maternity and newborn units constructed prior to March 1, 1963.

Section 5(d)(1), this section to read as follows with additions indicated by underscore:

(1) Isolation Nursery

- (a.) There shall be provided in each hospital, an isolation area to which an infant, in whom a definite diagnosis of infection has been made, can be

removed. The isolation area shall be physically separate from the routine nursery service by a solid partition extending from floor to ceiling and any door and any window shall be unopenable.

- (b.) The isolation area shall allow a minimum of forty (40) square feet of usable floor space per bassinet. This section shall not be enforced until January 1, 1968, for maternity and newborn units constructed prior to August 1, 1962. For maternity and newborn units constructed before August 1, 1962, the following shall apply: The isolation area shall allow a minimum of sixteen (16) square feet of usable floor space per bassinet.

Section 5(e)(3)(b.), this section to read as follows with additions indicated by underscore:

(b.) Floor Space.

- (1.) Units designed for premature infants shall have thirty (30) square feet per bassinet. This section shall not be enforced until January 1, 1968 for maternity and newborn units constructed prior to August 1, 1962. For maternity and newborn units constructed before August 1, 1962, the following shall apply: Units designed for premature infants shall have sixteen (16) square feet per bassinet.
- (2.) Units for premature infants shall have no more than six (6) bassinets or incubators per room. This section shall not be enforced until January 1, 1968 for maternity and newborn units constructed prior to March 1, 1963.
- (3.) There shall be aisles of at least three (3) feet in width between bassinets.

Section 5(e)(3)(c.), this section to read as follows with additions indicated by underscore:

(c.) Control of Atmospheric Conditions.

- (1.) The heating mechanism must be controlled within the nursery unit by a thermostat.
- (2.) The premature nursery room shall be air-conditioned. This section shall not be enforced until January 1, 1968 for maternity and newborn units constructed prior to March 1, 1963.

Section 5(e)(3)(e.), this section to read as follows with additions indicated by underscore:

(e.) Equipment.

Regulations for Maternity and Newborn Services - 6

- (1.) Apparatus for the safe administration of oxygen shall be provided, including humidification when needed. An analyzer for measuring oxygen content in incubators shall be provided in each premature nursery unit. All electrical equipment shall have Underwriter's Laboratory approval. Ample suction, with individual catheters for individual infants, shall be provided.
- (2.) Oxygen shall be piped in from outside the nursery. This section shall not be enforced until January 1, 1968 for maternity and newborn units constructed prior to March 1, 1963.

Section 5(f)(2), this section to read as follows with additions indicated by underscore:

(2) Construction.

- (a.) The formula room shall be divided into two (2) sections by a full-length ceiling-height partition, in which there is a sliding opening. This section shall not be enforced until January 1, 1968 for maternity and newborn units constructed prior to March 1, 1963.
- (b.) Such a division permits the exclusive use of one section as a clean-up room for receiving and washing glassware, nipples, and utensils, and the other section for preparation, terminal sterilization and refrigeration of formulas and special fluids.

Section 5(f)(9), add the following "be transported to the hospital in individual formula bottles (or individual nursing units), and" after "approved by the Department of Public Health". Add the following to the end of the paragraph "Any other manner of transporting or storing formula may be used only with the concurrence of the Health Commissioner."

Section 5(g)(6), in the first sentence change "Sections 5(g)(1) to 5(g)(6)" to read "Sections 5(g)(1) to 5(g)(5)".

Section 6, delete the following: "Enforcement of the regulation shall commence on January 1, 1968. Until that time, each hospital shall make an annual report to the Health Commissioner relating the progress made in achieving compliance with the above regulations. If such reports are not made, the effect of this shall be as if the regulations were in complete effect and force for that particular hospital as of the date of promulgation". Add the following: "Enforcement of this regulation shall commence on March 1, 1963 except where specifically provided. Each hospital with maternity and newborn services constructed prior to March 1, 1963 shall, until January 1, 1968, make an annual report to the Health Commissioner stating the plans, progress and an estimate of the actual cost involved in achieving compliance with all items in the regulations. If such reports are not made, the effect of this failure to report shall be as if the regulations were in complete effect and force for that particular hospital as of March 1, 1963."