

Additional Time to Establish Protocols for Newly Required Face-to-Face Encounters for Home Health and Hospice Recertification – December 23, 2010

Due to concerns that some providers may need additional time to establish operational protocols necessary to comply with face-to-face encounter requirements mandated by the Affordable Care Act (ACA) for purposes of certification of a patient's eligibility for Medicare home health services and of recertification for Medicare hospice services, the Centers for Medicare & Medicaid Services (CMS) will expect full compliance with the requirements, beginning with the second quarter of CY2011.

Section 6407 of the ACA established a face-to-face encounter requirement for certification of eligibility for Medicare home health services, by requiring the certifying physician to document that he or she, or a non-physician practitioner working with the physician, has seen the patient. The encounter must occur within the 90 days prior to the start of care, or within the 30 days after the start of care. Documentation of such an encounter must be present on certifications for patients with starts of care on or after January 1, 2011.

Similarly, section 3131(b) of the ACA requires a hospice physician or nurse practitioner to have a face-to-face encounter with a hospice patient prior to the patient's 180th-day recertification, and each subsequent recertification. The encounter must occur no more than 30 calendar days prior to the start of the hospice patient's third benefit period. The provision applies to recertifications on and after January 1, 2011.

Although many hospices, home health agencies and physicians are aware of and are able to comply with this policy, CMS is concerned that some may need additional time to establish operational protocols necessary to comply with this new law. As such, CMS expects that during the first quarter of CY 2011, home health agencies and physicians who order home health services will collaborate and establish internal processes to ensure compliance. Likewise, CMS also expects hospices to establish internal processes during the first quarter. Beginning with the second quarter, CMS will expect home health agencies and hospices to have fully established such internal processes and have appropriate documentation of required encounters.

CMS will continue to address industry questions concerning the new requirements, and will update information on our Web site at <http://www.cms.gov/center/hha.asp> and <http://www.cms.gov/center/hospice.asp>. CMS and its contractors will also use other communication channels to ensure that the provider community is properly informed of this delay.

If you have any questions about this announcement, please contact the CMS Office of Legislation.