

Michigan Department of Community Health

Bulletin Number: MSA 13-19

Distribution: Home Health Agencies, Medicaid Practitioners; MDs, DOs, Physician Assistants, Certified Nurse Mid-Wives, and Nurse Practitioners

Issued: June 1, 2013

Subject: Home Health Agency Face-to-Face Encounter Requirement for Initial Certification

Effective: July 1, 2013

Programs Affected: Medicaid

This policy bulletin is pursuant to section 6407(d) of the Patient Protection and Affordable Care Act (ACA) and serves to notify Medicaid providers that a physician certifying eligibility for home health services must provide documentation of a face-to-face encounter with the beneficiary within 90-days prior to or 30-days after the start of care. Documentation of such encounters must be present on home health certifications for Medicaid beneficiaries with care beginning on or after January 1, 2011. The face-to-face encounter may occur through telehealth, in compliance with Section 1834(m) of the Social Security Act.

Note: The face-to-face encounter requirement pertains only to initial certification for home health services.

BACKGROUND

Per long-standing regulations at 42 CFR §424.22 only a physician may order home health services and certify a patient's eligibility for the benefit. This requirement and the content requirements for the plan of care and home health certification have not changed. However, the new ACA mandate calls for the face-to-face encounter as an additional certification requirement which will ensure that the orders and certification for home health services are based on current knowledge of the patient's clinical condition, and will identify the primary reason for home health services.

In a situation where a physician orders home health services based on a new condition that was not evident during a visit within the 90-days prior to the start of care, the certifying physician or non-physician practitioner (NPP) must see the patient within 30 days of admission to home health services.

CERTIFYING PHYSICIAN

The certifying physician must document the face-to-face encounter regardless of whether the physician himself or herself or a permitted NPP performed the encounter. When the face-to-face encounter is performed by a NPP, he or she must document the clinical findings of the face to face encounter and communicate those findings to the physician; then the physician must sign the certification.

Permitted NPPs include:

- A nurse practitioner or clinical nurse specialist (as defined in section 1861(aa)(5) of the Social Security Act), who is working in collaboration with the physician in accordance with state law,
- A certified nurse-midwife (as defined in section 1861(gg) of the Social Security Act, as authorized by State law), or
- A physician assistant (as defined in section 1861(aa)(5) of the Social Security Act), under the supervision of the physician.

THE FACE-TO-FACE ENCOUNTER AND DOCUMENTATION REQUIREMENTS

The face-to-face patient encounter must be a separate and distinct section of, or an addendum to the certification, and must be clearly titled, dated and signed by the certifying physician. Use of a specific form for the certification or the plan of care is not required.

Documentation of the face-to-face encounter must reflect the certifying practitioner's assessment of the patient and include:

- Date of the encounter,
- Primary reason for the encounter (medical condition),
- Clinical findings that support the need for skilled nursing or therapy services, and
- Clinical findings that support home health eligibility.

USE OF AN ADDENDUM

An addendum may consist of clinical documents from a hospital or post-acute facility (e.g. emergency visit record or discharge summary). It is allowable for the certifying physician to use such a document as an addendum for the face-to-face encounter if:

- The addendum contains all the documentation requirements for face-to-face documentation;
- The addendum document, which is serving as the face-to-face documentation, is clearly titled and dated as such; and
- The certifying physician signs and dates the addendum, demonstrating that the certifying physician received that information from the allowed NPP or physician who performed the face-to-face encounter, and that the certifying physician is using that addendum document as his or her documentation of the face-to-face encounter.

ADDITIONAL FLEXIBILITY

In the past, the same physician was required to sign the home health services certification and the plan of care (POC). While typically the same physician will certify and establish and sign the POC, the Centers for Medicare and Medicaid Services (CMS) now allows physicians who attend to the patient in the acute and post-acute settings to certify the need for home health care based on their face-to-face contact, initiate the orders (POC) for home health services, and "hand off" the patient's care to the community-based physician to review and sign off on the plan of care.

Manual Maintenance

Retain this bulletin until the information has been incorporated into the Michigan Medicaid Manual.

Questions

Any questions regarding this bulletin should be directed to Provider Inquiry, Department of Community Health, P.O. Box 30731, Lansing, Michigan 48909-8231, or e-mailed to ProviderSupport@michigan.gov. Submitted e-mails must include your name, affiliation, and phone number so you can be contacted if necessary. Providers may phone toll-free 1-800-292-2550.

Approved



Stephen Fitton, Director
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