

Eli's Hospice Insider

Compliance: Face-To-Face Encounters Affect Both HHAs And Hospices

And HHAs may be on the hook retroactively.

Home health agencies had a short-lived breath of relief after CMS announced in the last Open Door Forum that face-to-face would only apply to hospice.

The health care reform legislation signed into law in March actually requires face-to-face encounters for both HHAs and hospices, as well as durable medical equipment. The law suggests that the encounter must occur in the six months before certification for HHA services, but leaves it up to the Department of Health and Human Services to establish a "reasonable timeframe."

What's more, the Patient Protection and Affordable Care Act (PPACA) makes the requirement retroactive to Jan. 1 for HHAs, says **Mary St. Pierre** with the **National Association for Home Care & Hospice**. "We are writing to CMS about having the date delayed until rule, comments, final rule, and guidance are issued," St. Pierre says.

The law says the hospice requirement will take effect Jan. 1, 2011, St. Pierre notes. CMS says it will issue its regulations about that in the home health prospective payment system proposed rule this year.

Centers for Medicare & Medicaid Services staff mentioned the hospice provision in the forum because that provision requires HHS to define attestation procedures, a CMS spokesperson says. "Staff wanted to inform the hospice industry to look for and comment on the proposed hospice face-to-face encounter attestation procedures in the CY 2011 home health proposed rule," the source notes.