

## Eli's Hospice Insider

### Gain Physician Buy-In With These Tips

**Here's how to overcome one of the biggest FFE hurdles.**

Surprise, surprise -- hospices will do most of the heavy lifting when it comes to educating physicians about the new face to face encounter (FFE) requirement.

CMS is "really not doing what [it] should be doing to educate physicians," laments Chicago-based regulatory consultant **Rebecca Friedman Zuber**. "Again they are relying on [agencies] to do this, and it is just building more tension between the physicians and the agencies."

For many referring physicians, the new FFE requirement will be no big deal. "But in a significant number of situations, it may result in a loss of access to care for beneficiaries because the physician's reluctance to do what is required will force some agencies to turn patients away," Zuber worries.

Home care providers should educate their referral sources and the physician community on the new requirements, the **National Association for Home Care & Hospice** recommends.

Tip #1: Rely on tools. The new burden will seem lighter if agencies give physicians helpful tools to complete the FFE requirement, Zuber suggests. Particularly handy will be tools that help physicians complete the documentation.

Agencies "can't do the documentation, of course," Zuber notes. "But they can develop tools that physicians can use ... that will help them address what needs to be present" in the documentation.

A recent frequently asked question from the **Centers for Medicare & Medicaid Services** makes clear that it's OK to provide "lead-in phrases" in documents the agency gives to physicians. For example, a document can say "I had a face-to-face encounter on \_\_\_\_ (date). The clinical findings support home health eligibility because:".

"The lead-in phrase is acceptable as long as the physician completes the description of how the clinical findings support homebound status and the need for skilled services, in his or her own words," CMS says in FAQ 10299.

Tip #2: Share official clarifications. You can use physician education sessions to share good news that has emerged about the requirement.

For example, the FAQs have clarified that physicians don't have to document the FFE at the time of the encounter. Documenting the FFE from the patient record later is fine "as long as the face-to-face encounter occurs in the specified timeframe of 90 days prior to the start of care or 30 days after the start of care and the documentation is completed before billing," CMS explains in FAQ 10297.

And electronic documentation and signatures are also OK, CMS says in FAQ 10302. "It's nice seeing [these clarifications] clearly stated," says consultant **Aaron Little** with **BKD** in Springfield, Mo.

Tip #3: Expect physicians to want a one-size-fits-all process. Many physicians may balk at having to complete the FFE requirement differently for you than they are for other agencies. For instance, a South Carolina reader is having trouble getting physicians to sign and document the FFE because another agency is allowing physician assistants to do so.

Reality: The FFE final rule, published in the Nov. 17 Federal Register, makes clear that the certifying physician must sign the FFE documentation, even if the FFE is made by the physician's affiliated non-physician practitioner such as a nurse practitioner or clinical nurse specialist who is working in collaboration with the physician, a certified nurse-midwife, or a physician assistant under the supervision of the physician.

"If a NPP performed the encounter, the NPP would communicate the patient's clinical information obtained during the encounter to the certifying physician," the final rule says.

In instances like these, you'll get a little push-back from physicians, but you should show them the blackand- white rule and provide any additional clarification they need. This bit of work upfront can save you from a compliance headache later.

Remember: Don't fail to limit your education and training to physicians. You'll need to train your own staff as well, NAHC adds.

Resources: Model physician documentation letters are available for free on NAHC's website at [www.nahc.org/regulatory/home.html](http://www.nahc.org/regulatory/home.html) --scroll down to the FFE sections.

Check out CMS' new frequently asked questions and answers in its FFE list (see the link to the FAQs at [www.cms.gov/center/hha.asp](http://www.cms.gov/center/hha.asp) -- scroll down to the Dec. 22 post). And regional home health intermediary **Cahaba GBA** has updated its FFE quick reference tool at [www.cahabagba.com/rhhi/education/materials/quick\\_home](http://www.cahabagba.com/rhhi/education/materials/quick_home_health_face.pdf) health\_face.pdf.