

OASIS Alert

Survey & Certification: Instructions In Triplicate Get The Message Should Ensure Surveyors

If not, CMS will back you up.

Private-pay OASIS collection ended, but skeptical surveyors couldn't believe their ears - now it's in writing.

Home health agencies are no longer required to collect OASIS data on private-pay patients. The surprise announcement by **Centers for Medicare & Medicaid Services'** former Administrator **Tom Scully** in the Nov. 5 home health Open Door Forum created confusion for providers who waited anxiously for something in writing. Although Scully insisted CMS was "immediately suspending the requirement," many surveyors told **Eli** they continue to enforce it.

Nearly a month later in the Dec. 3 forum, CMS officials again instructed that the effective date for the suspension was Nov. 5, and said agencies that encounter surveyors trying to enforce private-pay OASIS data collection after that date should call their CMS regional office for back-up.

Surveyors may be convinced now, however, since the new Medicare law signed by **President Bush** Dec. 8 confirms Scully's announcement. Section 704 of the law specifies that the **Department of Health and Human Services** can't require HHAs to collect or transmit OASIS data for non-Medicare, non-Medicaid patients until two months after HHS completes a study on the data's usefulness compared to its administrative burden.

Since the HHS report isn't due for 18 months, according to the law agencies likely have at least 20 months before they have to worry about resuming private-pay OASIS data collection. "It's going to be a while I think before that requirement is resurrected," a CMS official said in the forum.

In addition, CMS sent a letter to state survey agencies informing them of the change. "Surveyors must not investigate whether the HHA included the specific OASIS items in its patient-specific comprehensive assessments of non-Medicare/non-Medicaid patients, nor cite deficiencies based solely on this finding," CMS tells surveyors in letter S&C-04-12.

The letter went out Dec. 11, stating an effective date of Dec. 8. It also suspends any pending survey findings related to an HHA's failure to collect OASIS data on private-pay patients.

HHAs that want to continue collecting OASIS data for non-Medicare, non-Medicaid patients will be free to do so, the letter also explains.

Editor's Note: The letter is at www.cms.gov/medicaid/survey-cert/sc0412.pdf