

SE1038 – Home Health Face-to-Face Encounter - A New Home Health Certification Requirement

(12/28/2010) revised (02/11/2011)

Note: This notice was updated to include additional information about the certification requirements for starts of care on or after January 1, 2011.

As a condition for payment, the Affordable Care Act mandates that prior to certifying a patient's eligibility for the home health benefit, the certifying physician must document that the physician or an allowed Non-Physician Practitioner (NPP) has had a face-to-face encounter with the patient.

CMS implemented this provision of the Affordable Care Act via the Home Health Prospective Payment System (HH PPS) Calendar Year (CY) 2011 rulemaking. In that rule, CMS finalized the following:

- Documentation regarding these face-to-face encounters **must be present** on certifications for patients **with starts of care on or after January 1, 2011**.
- As part of the certification form itself, or as an addendum to it, the physician **must** document when the physician or allowed NPP saw the patient, and document how the patient's clinical condition as seen during that encounter supports the patient's homebound status and need for skilled services.
- The face-to-face encounter must occur within the 90 days prior to the start of home health care or within the 30 days after the start of care.
- In situations when a physician orders home health care for the patient based on a new condition that was not evident during a visit within the 90 days prior to start of care, the certifying physician or NPP **must** see the patient within 30 days after admission.
- **Specifically:**
 - If the certifying physician or NPP had not seen the patient in the 90 days prior to the start of care, a visit within 30 days of the start of care would be required.
 - If a patient saw the certifying physician or NPP within the 90 days prior to the start of care, another encounter would be needed if the patient's condition had changed to the extent that accepted standards of practice would preclude the physician from ordering services without the physician or an NPP first examining the patient.

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. Beginning with the second quarter of CY 2011, home health agencies will have fully established their internal processes and CMS will expect appropriate documentation of the encounter.

SE1038, titled [Home Health Face-to-Face Encounter – A New Home Health Certification Requirement](#) , is available on the CMS MLN Matters® Web page.

NPP (Non-Physician Practitioner) is defined as a PA (Physician Assistant) or NP (Nurse Practitioner).

(CMS Joint Signature Memorandum (JSM) 11111, dated December 23, 2010)