

**DATE:** January 25, 2021

**TO:** Howard Shelanski  
OIRA Administrator

**FROM:** Marilyn Tavenner,  
CMS Administrator

**SUBJECT:** Request for Emergency Clearance of the Paperwork Reduction Act Package for the “Outcome Assessment and Information Set” (OASIS)

### **Emergency Justification**

The Centers for Medicare & Medicaid Services (CMS) is requesting that the information collection request (ICR) titled “**Outcome Assessment and Information Set, C-1 / ICD-9 Version**” (*OASIS-C1/ ICD-9 Version*) be processed under the emergency clearance process associated with Paperwork Reduction Act of 1995 (PRA), specifically 5 CFR 1320.13(a)(2)(i). Public harm is reasonably likely to occur if the normal, non-emergency clearance procedures are followed. The approval of this data collection is essential because OASIS data is used in the calculation of provider payment as well as for measurement of the quality of care provided by Home Health Agencies (HHAs). Without emergency approval, CMS will need to delay by approximately 4 months the implementation of the *OASIS-C1/ ICD-9 Version* data item set beyond the planned implementation date of January 1, 2015.

### **Background**

Submission of OASIS data is a requirement under the Home Health Medicare Conditions of Participation. OASIS data is also used for the purposes of quality measurement<sup>1</sup>. Failure to submit OASIS assessment data can result in the non-payment of related Medicare claims. Failure to comply with the OASIS quality reporting requirements can subject non-compliant HHAs to a two percentage (2%) point payment reduction.

OMB issued PRA approval of OASIS-C1 on February 6, 2014. We had originally planned to use OASIS-C1 to coincide with the original implementation of ICD-10 on October 1, 2014. However, on April 1, 2014, the Protecting Access to Medicare Act of 2014 (PAMA) (Pub. L.

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<sup>1</sup> The Home Health CoPs; § 5201 of the Deficit Reduction Act and §1895(b)(3)(B)(v)(I) of the Social Security Act require the submission of submit OASIS data for various purposes.

No. 113-93) was enacted and prohibited CMS from adopting ICD-10 coding before to October 1, 2015. Because OASIS-C1 is based on ICD-10 coding, it is not possible to implement OASIS-C1 before January 1, 2015, when ICD-10 will be implemented. .

**OASIS-C1/ ICD-9 Version** is an interim version of the OASIS-C1 data item set that was created in response to the legislatively mandated ICD-10 delay. There are 5 items in OASIS-C1 that require ICD-10 codes. In **OASIS-C1/ICD-9 Version**, these items have been replaced with the corresponding items from OASIS-C that use ICD-9 coding. The **OASIS-C1/ICD-9 Version** also incorporates updated clinical concepts, modified item wording and response categories and improved item clarity. In addition, the **OASIS-C1/ICD-9 Version** includes the significant decrease in provider burden that was accomplished by the deletion of a number of non-essential data items from the OASIS-C data item set.

We have given HHAs notice of our proposed use **OASIS-C1/ ICD 9 Version** during the ICD-10 delay through several methods such as Open Door forums, webpage postings, and announcements made during State OASIS coordinator calls. Based on feedback that we have received, we believe that a majority of HHAs will not object to use of the **OASIS-C1/ ICD-9 Version** data item set until ICD-10 is implemented.

We plan to implement the **OASIS-C1/ ICD-9 Version** on January 1, 2015. We believe this implementation schedule is necessary to allow CMS adequate time to prepare and post the revised technical specifications for **OASIS-C1/ ICD-9 Version** data item set. We further believe that this implementation schedule will allow HHAs an adequate amount of time to perform any necessary modifications to their medical record/IT systems and prepare for use of the **OASIS-C1/ICD-9 Version**.

Therefore, we respectfully request that OMB issue PRA approval of **OASIS-C1/ICD-9 Version** under the emergency clearance process.

## **Projected Timeline:**

### **Friday, August 22, 2014**

Submit emergency justification to OMB.

### **Tuesday, August 26, 2014**

OMB approves justification for emergency processing.

### **Wednesday, August 27, 2014**

Submit emergency 14-day comment period Federal Register notice to OFR.

### **Friday, August 29, 2014**

Target display date for emergency PRA notice in Federal Register  
(with 14 day public comment period).

PRA package posted to CMS PRA web site.

PRA package advanced to OMB.

### **Tuesday, September 12, 2014**

End of 14-day public comment period.

CMS responds to public comments (if applicable).

### **Wednesday, September 17, 2014 - Friday, September 19, 2014**

PRA package is formally submitted to OMB.

Start of OMB review period.

### **Friday, October 3, 2014**

Requested date for OMB approval.