

CMS 2348-F Response to Comments

We received a total of 94 timely items of correspondence from home health provider representatives and other professional associations, State Medicaid Directors, states, beneficiaries, and other individuals. Comments ranged from general support or opposition to the proposed rule, to specific questions and detailed comments and recommendations regarding the proposed changes.

We received many comments pertaining to documentation requirements. Specifically, commenters were concerned with the burden attributed to the documentation requirements in the proposed rule. After consideration of the public comments and to better align with Medicare requirements, we revised the documentation requirements to remove the requirement that the documentation be either a separate and distinct area on the written order, an addendum to the order that is easily identifiable and clearly titled, or a separate document easily identifiable and clearly titled in the beneficiary's medical record. In the final rule we revised the documentation requirements to specify that the physician or non-physician practitioner for DME, document the face-to-face encounter which is related to the primary reason the patient requires home health services, occurred within the required timeframes prior to the start of home health services. The documentation must indicate the practitioner who conducted the encounter, and the date of the encounter.

We also received many comments pertaining to the estimated burden. The burden associated with this requirement is the time and effort to complete and maintain this documentation. Several commenters reported that the estimated burden does not accurately account for home health agency administrative burden. We do not agree that the new requirements will add administrative requirements to home health agencies as home health agencies are currently required to obtain the physician's order prior to implementing home health services. We do not believe that the additional documentation requirements will add to the existing requirements. After consideration of public comments, we finalized the burden costs estimates associated with the provisions in this regulation with no revision.