

## CMS Response to Public Comments Received for CMS-2021-0138

The Centers for Medicare and Medicaid Services (CMS) received one comment from the public for CMS-2021-0138. This is the reconciliation of the comment.

**Comment:** On May 8, 2020, CMS published an interim final rule which permanently implemented Section 3708 of the CARES Act, retroactively effective to March 1, 2020. This includes updating the Medicare home health regulations to authorize NPs to order home health care services, and certify and make changes to the home health plan of care. In this form, the agency uses the phrase “your doctor’s orders” and proceeds to indicate that a “physicians order” must be used for home health plan of care changes. Pursuant to the changes made by the CARES Act and subsequent CMS regulations, we respectfully request that CMS update this form and use “allowed provider” in the subsection title, as well as in the subsequent indicators, consistent with the current regulatory language. In addition, we request that NPs, physicians, clinical nurse specialists and PAs be identified in the form as authorized to make home health plan of care changes. This will remove confusion for providers and patients, and ensure consistency with the regulatory changes made by CMS.

**Response:** CMS appreciates your comment and the supporting regulatory requirements. We have made changes to the HHCCN form itself to use the term “physician/provider” to be consistent with our current terminology. Please note that we are adding the regulatory provisions into the HHCCN form instructions page to distinguish the given providers. Thank you.