

Appendix 1: 60-day Notice Comments & Response Summary
Summary of Benefits and Coverage and Uniform Glossary
(CMS-10407/OMB control number 0938-1146)

HHS received one comment related to an information collection request (ICR) HHS released concerning CMS-10407, a Paperwork Reduction Act (PRA) document detailing requirements related to the Summary of Benefits and Coverage. This is the summary of and response to the comment.

Comment:

One commenter pointed out that Section 3708 of the *Coronavirus Aid, Relief and Economic Security (CARES) Act* authorizes Nurse Practitioners (NPs) (as well as Physician Assistants (PAs) and Clinical Nurse Specialists (CNSs)) to order and provide all required certifications for Medicare and Medicaid home health care services. Furthermore, they indicated that this policy has been adopted by home health agencies more broadly, and since the passage of the CARES Act, approximately forty states have made changes to home health licensing or coverage regulations or statutes that incorporated the previous requirement for physician certification. These changes have enabled NPs, PAs and CNSs to order and certify home health services for patients in other health plans, in addition to their patients on Medicare and Medicaid.

Accordingly, they requested that HHS update the glossary section on “Home Health Care” to use the terminology “provider’s orders” instead of “doctor’s orders” to reflect these changes and help ensure that patients in other health plans are not inadvertently prevented from receiving home health services ordered by nurse practitioners.

Response:

We appreciate the comment suggesting use of the term “provider’s orders” instead of “doctor’s orders” in the Uniform Glossary definition of “home health care.” This renewal would only update the HHS version of the Uniform Glossary, and any substantive change to the content of the document would need to be coordinated with the Departments of Labor and the Treasury. We will share your comment with those agencies and consider this revision in the future.