

Medicaid Face-to-Face Requirements for Home Health Final Rule

OVERVIEW

On January 27th, the Centers for Medicare and Medicaid Services (CMS) issued a final rule on the Medicaid program's face-to-face requirements for home health services and medical equipment. The rule does not apply to Medicaid managed care.

This document summarizes several major provisions of the final rule. The provisions will become effective on July 1, 2016. The final rule is available [here](#).

Face-to-Face Requirements and Timeframes

In the final rule, CMS adopts its proposal to require that Medicaid beneficiaries have a face-to-face visit with a physician or authorized non-physician practitioner prior to receiving home health services or medical equipment.

CMS finalized several requirements, including:

- For the initial ordering of Medicaid home health services, a physician or authorized non-physician must document that a face-to-face encounter occurred no more than 90 days before or 30 days after the start of services; and
- For the initial ordering of medical equipment, a physician or authorized non-physician practitioner must document that a face-to-face encounter occurred no more than six months prior to the start of services.

The documented encounter must be related to the primary reason that the beneficiary requires home health services or medical equipment.

Telehealth

Under the final rule, the face-to-face encounter requirements may be satisfied through the use of telehealth. The same timeframes apply to telehealth encounters.

The final rule does not provide a formal definition of what constitutes a telehealth encounter. Under Medicaid policy, states have the flexibility to define how telehealth is provided; where in the state it can be covered; and what types of telehealth are covered. However, CMS does not intend for telephone calls or emails to replace the face-to-face encounter. In the final rule, CMS recognizes the need for an updated Medicaid telehealth guidance, which will be forthcoming.

Non-Physician Practitioners

CMS finalized its proposal to allow certain authorized non-physician practitioners to conduct face-to-face encounters under the supervision of a physician for both home health and medical equipment. Authorized non-physician practitioners include: nurse practitioners, clinical nurse specialists, certified nurse-midwives, and physician assistants. However, certified nurse-midwives are only able to conduct face-to-face encounters for medical equipment.

Medical Devices, Supplies, and Appliances

In the final rule, CMS amends the definition of medical supplies, equipment, and appliances. Current regulations indicate that such items should be suitable for use in the home, but do not further define the terms. The final rule clarifies the definition of medical supplies, equipment, and appliances to include items that are suitable for use in any non-institutional setting in which normal life activities take place, excluding hospitals; nursing facilities; or other settings in which payments could be made under Medicaid for inpatient services that include room and board. Medical equipment may not be restricted to the home setting. States may continue to establish medical necessity criteria to determine the authorization of the items, but states may not deny requests for items based on their use outside of the home.