



December 12, 2014

Marilyn Tavenner
Administrator
Centers for Medicare & Medicaid Services
Department of Health and Human Services
200 Independence Ave SW
Washington DC 20201

Dear Ms Tavenner:

On behalf of the undersigned members of the Forum of State Associations (FSA), we write in strong support for a phase-in of the enforcement of the new physician documentation requirements in the Medicare home health services face-to-face physician encounter rule scheduled to take effect on January 1, 2015. FSA is a coalition and collaboration of all the state home care associations throughout the nation.

We wish to extend our thanks to CMS for considering and responding to our previously expressed concerns on the physician narrative requirement. However, the new requirement - that home health agencies assure that physicians have sufficient documentation in their patient records to support certifications - presents its own complexities that cannot be addressed within the short time left before the rule takes effect.

As of this date, neither the industry nor physicians have received any instruction beyond the language change in the final rule. A provider call is scheduled for December 16th. Even if all of the industry's questions are answered on 12/16/14, there is simply insufficient time with the holiday schedule to conduct internal staff education, develop internal process and checks, along with informing physician referral sources at both private practices and hospitals of the expected changes in their work flow processes.

Almost since the inception of the current face to face rule, members of the FSA have expressed concerns with the clarity, comprehensiveness, and dissemination of educational materials, both to home health agencies and to physicians. Yet, FSA members have worked diligently to educate referral sources and to drive compliance. Once again, we expect to play a strong role in assisting our member agencies again to do so. However, we need more time.

We understand that the effective date for the changes is set in the rule and cannot be changed. But with this commitment from state associations in every region to conduct outreach and education, it is our hope that CMS will conduct educative, rather than punitive, enforcement of the rule for at least the

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first half of 2015. CMS took such action with the original rule requirements and has done so in numerous other circumstances involving home health agencies and other providers. For example, CMS did not immediately enforce the requirement that certifying physicians be enrolled in PECOS. It is our firm belief that such an approach will be beneficial for patients and providers and drive better compliance, which is what we all support.

We appreciate your urgent attention to this matter. We stand to assist in any way.

Joanne Cunningham, Chair
Home Care Association of New York State

Patricia Kelleher, Vice Chair
Home Care Alliance of MA

And the Undersigned Associations

Alabama Association of Home Health Agencies
Alaska Home Care and Hospice Association
Arizona Association for Home Care
California Association for Health Services at Home
Connecticut Association for Healthcare at Home
Florida Hospice & and Palliative Care Association
Georgia Association for Home Health Agencies
Healthcare Association of Hawaii
Home Care & Hospice Alliance of Maine
Home Care Aide Council
Home Care Alliance of Massachusetts
Home Care Association of Arkansas
Home Care Association of Colorado
Home Care Association of Florida
Home Care Association of New Hampshire
Home Care Association of New Jersey
Home Care Association of New York State

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Home Care Association of Washington

Home Care Council of New Jersey

Home Care Association of Louisiana

Hospice and Palliative Care Association of Michigan

Idaho Association for Home Care

Illinois Home Care and Hospice Council

Indiana Association for Home & Hospice Care

Iowa Alliance in Home Care

Iowa Health Care Association

Kansas Home Care Association

Kentucky Home Health Association

Maryland-National Capital Home Care Association

MHA ... An Association of Montana Health Care Providers

Michigan Association for Home Care

Midwest Care Alliance

Minnesota Home Care Association

Mississippi Association for Home Care

Missouri Alliance for Home Care

Nebraska Association of Home & Community Health Agencies

Nevada Home Care Association

New Jersey Hospital Association

New Mexico Association for Home and Hospice Care

New York State Association of Health Care Providers

Home & Hospice Care of North Carolina

Ohio Council for Home Care and Hospice

Oklahoma Association for Home Care and Hospice

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Oregon Association for Home Care

Pennsylvania Homecare Association

Rhode Island Partnership for Home Care

South Carolina Home Care and Hospice Association

South Dakota Association of Healthcare Organizations

Tennessee Association for Home Care

Tennessee Hospital Association Home Care Alliance

Utah Association for Homecare

VNAs of Vermont

West Virginia Council of Home Care Agencies

cc: Sean Cavanaugh, Deputy Administrator