



AMERICAN ACADEMY OF
FAMILY PHYSICIANS
STRONG MEDICINE FOR AMERICA

August 29, 2012

Marilyn Tavenner
Acting Administrator
Centers for Medicare & Medicaid Services
Department of Health and Human Services
Attention: CMS-1358-P
Mail Stop C4-26-05
7500 Security Boulevard
Baltimore, MD 21244-1850

Re: Medicare Program; Home Health Prospective Payment System Rate Update for Calendar Year 2013, Hospice Quality Reporting Requirements, and Survey and Enforcement Requirements for Home Health Agencies

Dear Ms. Tavenner:

On behalf of the American Academy of Family Physicians (AAFP), which represents more than 105,900 family physicians and medical students nationwide, I write in response to the [proposed](#) Medicare Program; Home Health Prospective Payment System Rate Update for Calendar Year 2013, Hospice Quality Reporting Requirements, and Survey and Enforcement Requirements for Home Health Agencies as published in the July 13, 2012 *Federal Register*.

As a condition for payment, the *Affordable Care Act* requires that, prior to certifying a patient's eligibility for the home health benefit, the physician must document that the physician himself or herself or an allowed nonphysician practitioner (NPP) has had a face-to-face encounter with the patient. Specifically, the law also states that a nurse practitioner, clinical nurse specialist, certified nurse-midwife, or a physician assistant under the supervision of the physician may perform the face to face encounter and inform the certifying physician, who documents the encounter as part of the certification of eligibility.

For patients admitted to home health from an acute or post-acute facility, CMS proposes to modify the regulations to allow an NPP in an acute or post-acute facility to perform the face-to-face encounter in collaboration with or under the supervision of the physician who has privileges and cared for the patient in the acute or post-acute facility, and allow such physician to inform the certifying physician of the patient's homebound status and need for skilled services.

The AAFP supports this additional regulatory flexibility and sees the proposal as an appropriate use of NPPs. The AAFP believes this proposal will allow physicians practicing within these facilities to more fully utilize the NPPs on staff.

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This regulation also proposes a policy clarification that makes it clear that documentation of the face-to-face encounter must be clearly titled and dated but not necessarily by the certifying physician, who still has to sign the documentation.

The AAFP supports this proposal since it clarifies CMS's documentation intents, has the potential to reduce the number of unintended claim denials, and potentially eases the burden for the certifying physician. The AAFP further agrees that it is important to clearly title and date the documentation and that this does not necessarily need to be done by the certifying physician, who is still required to sign the documentation anyway.

We appreciate the opportunity to provide these comments and make ourselves available for any questions you might have or clarifications you might need. Please contact Robert Bennett, Federal Regulatory Manager, at 202-232-9033 or rbennett@aafp.org.

Sincerely,

A handwritten signature in black ink, appearing to read "Roland A. Goertz". The signature is fluid and cursive, with the first name "Roland" being the most prominent.

Roland A. Goertz, MD, MBA, FAAFP
Board Chair