



### **MSSNY-Home Care Workgroup Seeks to Reduce Administrative Burdens**

As directed at this year's House of Delegates, MSSNY has established a work group with the Home Care Association of New York State (HCA) to collaborate on efforts to address overbearing administrative burdens that stand in the way of patients receiving, and physicians ordering, needed home care services. The first meeting of the group took place in September and another is scheduled for the end of October.

One of the most important issues under discussion is how best to reduce the burden of the so-called "Face to Face" requirement included in the ACA. This provision requires a certifying physician to document that he or she, or a non-physician practitioner (NP or PA) working with the physician, has seen the patient, as a precondition of eligibility for Medicare and Medicaid coverage for home health services. Many home care agencies and physicians have noted that the CMS regulations implementing this provision have created unnecessary and overly burdensome documentation requirements that are delaying or denying coverage for needed home care services. One home care provider shared an example of a CMS review agent denying the patient's coverage for services based on his assessment of the physician's documentation, despite concurring that the patient met the requisite eligibility criteria and indeed needed the services.

On the federal level, New York Representatives Tom Reed (R-Southern Tier) and Paul Tonko (D-Capital District) initiated a sign on letter to CMS with over 70 other members of Congress to urge simplification of the Face to Face requirement. Specifically, the letter noted that "the current regulations contain complicated, confusing, and overlapping documentation requirements that exceed the intent of the law passed by Congress. These requirements have imposed a significant burden on home health providers and physicians in our districts".

On the state level, as the state has now moved (as of July 1) to implement Face-to-Face for Medicaid, HCA and MSSNY, the Healthcare Association of New York State (HANY) and the Iroquois Healthcare Alliance have met with the New York DOH to urge mitigation of such an added layer of burden for Medicaid. These groups have also suggested areas where the Face to Face requirement could be eliminated entirely for Medicaid, such as within the context care delivered under managed care, or other "managed care-like" models, such as within a regional Performing Provider System (PPS) established under DSRIP, or an ACO, health home or other integrated model.

The work group has also discussed the importance of assuring physicians are properly educated regarding these federal requirements, including the importance of completing certification in a timely and comprehensive manner.

MSSNY Representatives for this work group include Dr. Evelyn Dooley-Seidman, Chair of MSSNY's Long-Term Care Committee; MSSNY Board of Trustees Member Dr. Andrew Kleinman; Dr. Ruth Kleinman; Dr. Eugene Kalmut; and Dr. Jay Slotkin.

To view a brief CMS power point presentation regarding these Face to Face rules, [go here](#). To read a detailed FAQ document prepared by CMS, [go here](#). For more information about the activities of the Task Force, please contact [mauster@mssny.org](mailto:mauster@mssny.org).