

Permit Home Health Services Billing Upon Verbal Orders from the Patient's Physician During the Emergency Period

ISSUE

Medicare allows a home health agency (HHA) to initiate and fully provide care to its patients based upon verbal orders from the patient's attending physician. The use of verbal orders to start care ensures a timely delivery of needed nursing and therapy services that are vital for the patient's recovery and safety. These verbal orders are taken directly by health care professionals at the HHA and are fully documented in writing by nurses or therapists. Throughout an episode of care, these professionals maintain frequent contact with the patient's physician by phone, telehealth, email, and text messaging.

However, Medicare requires that the HHA obtain a Plan of Care, any changed care orders, and a certification of Medicare eligibility fully signed and dated by the physician prior to billing Medicare for the services the HHA had provided. In normal times, securing signed and dated paperwork from physicians is challenging for HHAs. Many times the HHAs must travel to the physician's office with hand delivered documents and wait until the physician has the time to provide the required signature and date.

These are not normal times. Today, many physician offices are closed with the physicians operating remotely in their continuing care of patients. HHAs often offer electronic portals for the exchange of documents, but interoperability with physician systems is not the norm as each physician may have a different system than the HHA. Due to the inability to obtain signed and

dated written orders and eligibility certifications from physicians, HHAs are incurring significant additional care costs without reimbursement. That creates a dangerous barrier to continued care availability and HHA operations at a time when their services are needed more than ever to reduce the need for hospitalizations and use of institutional care settings.

RECOMMENDATION

Congress should waive or suspend the Medicare requirement that HHAs secure signed and dated physician orders and eligibility certifications during the Covid-19 pandemic emergency. Medicare billings based on verbal orders and certifications should be permitted, provided the HHA maintains detailed documentation of the orders and certifications by professional staff at the HHA.

Rationale:

During this emergency time, HHA personnel should be dedicated to direct patient care rather than paperwork. If licensed, professional clinicians can be trusted to provide care to their patients based on a physician's verbal orders, they can also be trusted to maintain accurate documentation of those orders to justify Medicare payment during this emergency period.



For More Information: Contact NAHC Government Affairs at 202-547-7424