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**MEDIA CENTER****The Patient Protection and Affordable Care Act of 2010 ("Health Reform Bill") Includes Face to Face Practitioner Encounter Requirements for Home Health and Durable Medical Equipment Providers**

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The Patient Protection and Affordable Care Act of 2010, H.R. 3590 (the "Health Reform Bill") includes statutory provisions requiring face to face practitioner encounters for home health certifications and prior to the provision of orders for durable medical equipment.

In the home health context, Title VI, Subtitle E, Section §6407(a) of the Health Reform Bill amends 42 U.S.C. §1395f(a)(2)(c). The amendment adds a condition to the existing conditions for payment. The new condition provides that prior to making a certification that a patient meets the criteria for Medicare-covered home health services, the physician "must document that the physician himself or herself has had a face-to-face encounter with the [patient] within a reasonable timeframe as determined by the Secretary". At some point in the near future, CMS will likely publish regulations defining "reasonable timeframe".

In the durable medical equipment context, Title VI, Subtitle E, Section §6407(b) of the Health Reform Bill amends 42 U.S.C. §1395m(a)(11)(B). The amendment adds a condition to the existing conditions for payment. The new condition provides that prior to providing an order for durable medical equipment under the Medicare program, "a physician, a physician assistant, a nurse practitioner, or a clinical nurse specialist [must have] had a face-to-face encounter with the [patient] during the 6-month period preceding such written order, or other reasonable timeframe as determined by the Secretary." To the extent that CMS wants to redefine the timeframe, it will likely publish regulations in the future.

Additionally, Title VI, Subtitle E, Section §6407(d) of the Health Reform Bill provides that the encounter requirements shall apply to similar home health certifications or orders for durable medical equipment in the Medicaid program.

**Additional Information**

For more information on the encounter requirements or the Health Reform Bill in general, please contact a member of Benesch's Health Care Department:

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