

Congress of the United States
Washington, DC 20515

September 17, 2013

Ms. Marilyn Tavenner
Administrator
Centers for Medicare and Medicaid
7500 Security Boulevard
Baltimore, MD 21244

Dear Administrator Tavenner:

On behalf of the home health provider community in our respective states, and the millions of elderly and disabled individuals that receive vital home health services from these mission-driven providers, we write to ask for your involvement as we address an expensive and unnecessary regulatory burden that is a barrier to patients receiving home care services.

As you know, under the Affordable Care Act (ACA), Congress included a provision aimed at increasing collaboration between home health agencies and physicians. This provision, implemented by the Centers for Medicare and Medicaid Services (CMS), is known as the Face-to-Face (F2F) Encounter Requirement. While we support the need for direct encounters between patients and physicians to occur, 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.

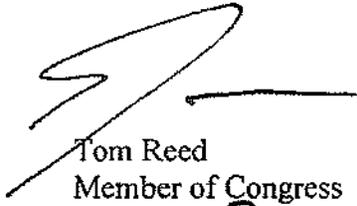
As implemented by CMS, physicians are now required to document, sign and date an additional form with a narrative of the patient's condition in order to justify home care services. Home health agencies must obtain this signed form prior to billing for Medicare home health services. We are uncertain why this method for implementing the F2F requirement was chosen. Prior to billing for Medicare home health services, home health agencies already must obtain a signed and dated form from the physician which outlines the full plan of care for the patient. This comprehensive form, known as the 485 form, includes the complete plan of care outlined by the physician (for nursing, therapy, aide and all other services needed by the patient), which will be delivered by the home health agency. We have heard from home health agencies that believe as a consequence, these new forms are counterproductive to the underlying F2F intent.

Across the country providers are reporting that the net effect of the current regulatory scheme has been to increase the paperwork burden and cost to home health agencies which are struggling to comply with this regulation; possibly even adding a disincentive for physicians to recommend home health services.

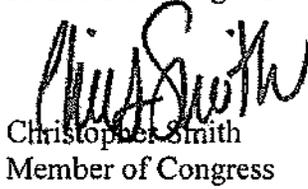
Within all relevant rules and regulations we ask that CMS consider modifying this requirement to allow that the F2F mandate is met through the completion and collection of the

separately signed and perhaps modified 485 form. Given the importance of this issue, and our shared commitment to fostering the increased use of cost-effective Medicare home health services, we look forward to working with you on this.

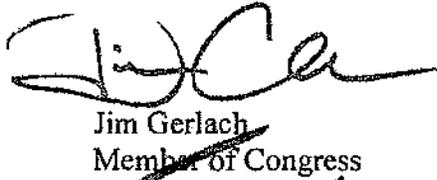
Sincerely,



Tom Reed
Member of Congress



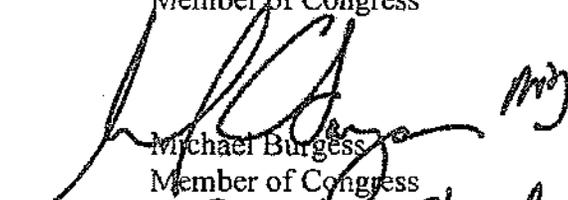
Christopher Smith
Member of Congress



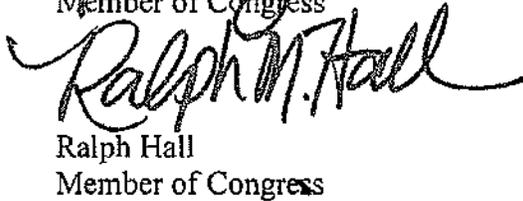
Jim Gerlach
Member of Congress



Tim Griffin
Member of Congress



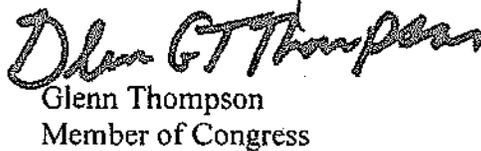
Michael Burgess
Member of Congress



Ralph Hall
Member of Congress



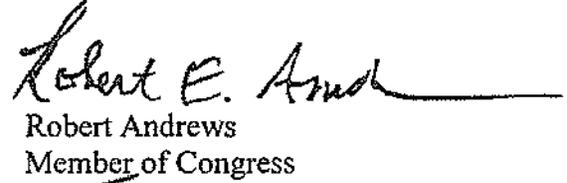
Peter King
Member of Congress



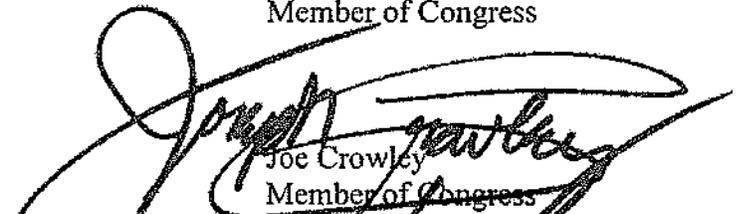
Glenn Thompson
Member of Congress



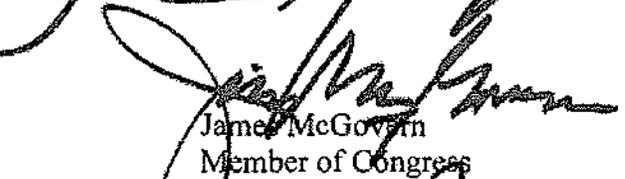
Paul Tonko
Member of Congress



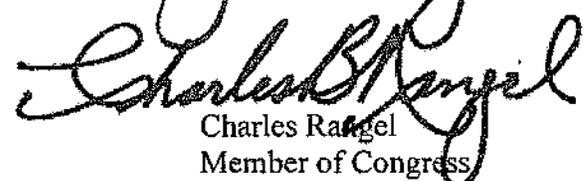
Robert Andrews
Member of Congress



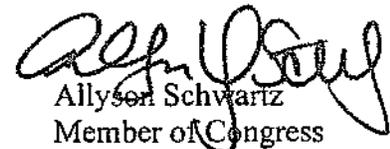
Joe Crowley
Member of Congress



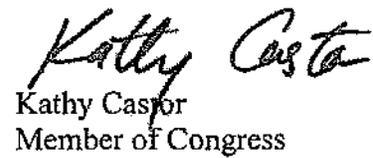
James McGovern
Member of Congress



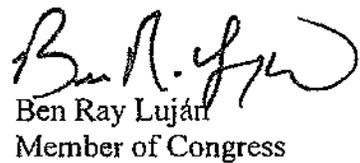
Charles Rangel
Member of Congress



Allyson Schwartz
Member of Congress



Kathy Castor
Member of Congress



Ben Ray Lujan
Member of Congress

Todd Rokita
Member of Congress

Brian Higgins
Member of Congress

Michael Grimm
Member of Congress

Joe Courtney
Member of Congress

Doug Lamborn
Member of Congress

Yvette Clarke
Member of Congress

Walter Jones
Member of Congress

Julia Brownley
Member of Congress

Keith Rothfus
Member of Congress

Michelle Lujan Grisham
Member of Congress

Bill Shuster
Member of Congress

Bill Owens
Member of Congress

Kevin Cramer
Member of Congress

Tim Bishop
Member of Congress

Michael Fitzpatrick
Member of Congress

Jared Polis
Member of Congress

Alan Nunnelee
Member of Congress

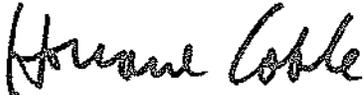
Nick Rahall
Member of Congress



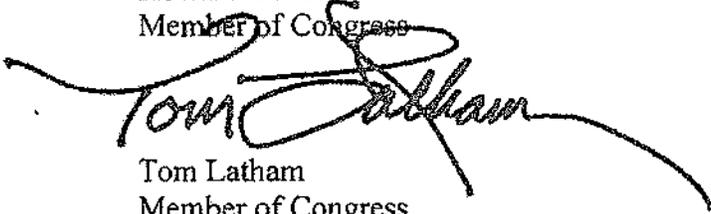
Lou Barletta
Member of Congress



Tom Cotton
Member of Congress



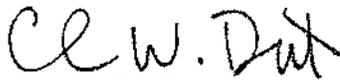
Howard Coble
Member of Congress



Tom Latham
Member of Congress



Patrick Meahan
Member of Congress



Charles W. Dent
Member of Congress



Niki Tsongas
Member of Congress



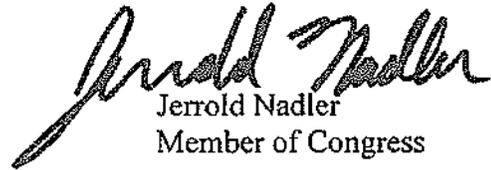
Joseph Kennedy
Member of Congress



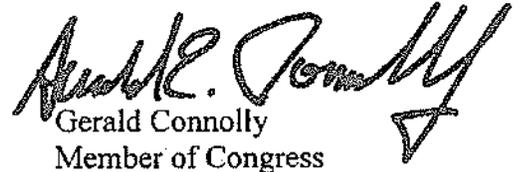
Marc Veasey
Member of Congress



Ann M. Kuster
Member of Congress



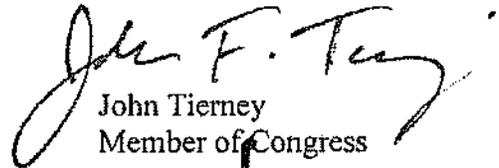
Jerrold Nadler
Member of Congress



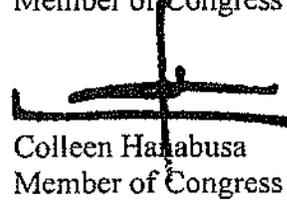
Gerald Connolly
Member of Congress



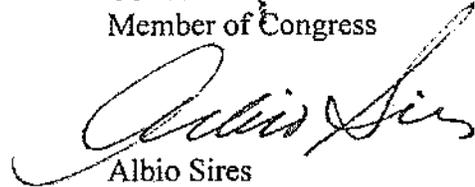
Mike McIntyre
Member of Congress



John Tierney
Member of Congress



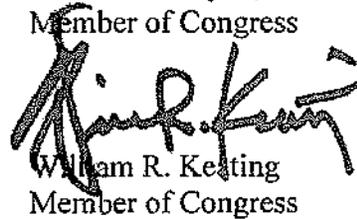
Colleen Hanabusa
Member of Congress



Albio Sires
Member of Congress



Donald M. Payne, Jr.
Member of Congress



William R. Keating
Member of Congress

Carolyn McCarthy

Carolyn McCarthy
Member of Congress

Alice Hastings

Alice Hastings
Member of Congress

Lynn Jenkins

Lynn Jenkins
Member of Congress

Richard Hudson

Richard Hudson
Member of Congress

Peter Welch

Peter Welch
Member of Congress

Eliot L. Engel

Eliot Engel
Member of Congress

David B. McKinley

David McKinley
Member of Congress

Matthew A. Cartwright

Matthew Cartwright
Member of Congress

Sean Patrick Maloney

Sean Patrick Maloney
Member of Congress

Raul M. Grijalva

Raul Grijalva
Member of Congress

Carol B. Maloney

Carol Maloney
Member of Congress

Susan W. Brooks

Susan Brooks
Member of Congress

Jon Runyan

Jon Runyan
Member of Congress

Tim Murphy

Tim Murphy
Member of Congress

Steve Womack

Steve Womack
Member of Congress

Grace Meng

Grace Meng
Member of Congress

Stephen F. Lynch

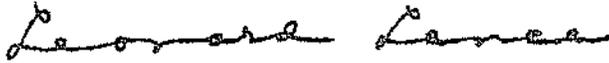
Stephen F. Lynch
Member of Congress

Thomas Massie

Thomas Massie
Member of Congress



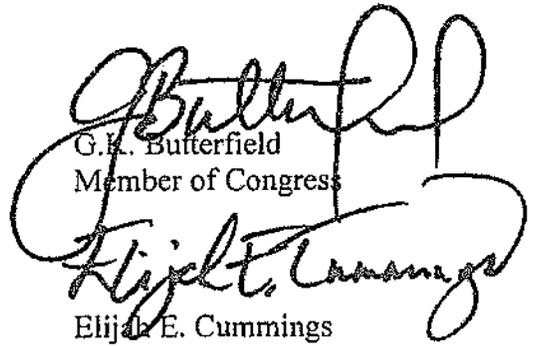
Frank LoBiondo
Member of Congress



Leonard Lance
Member of Congress



Robert Pittenger
Member of Congress



G.K. Butterfield
Member of Congress



Elijah E. Cummings
Member of Congress