

MEMORANDUM

Texas Department of Human Services * Long Term Care/Policy

TO: Long Term Care -Regulatory
Regional Directors, State Office Section Managers and
HCSSA Program Administrators

FROM: Marc Gold, Director
Long Term Care Policy
State Office MC: W-519

SUBJECT: Regional Survey & Certification Letter #01-07

DATE: August 9, 2001

The attached RS&C Letter is being provided to you for information purposes and should be shared with all professional staff.

- RS&C Letter No. 01-07 -- Physician Orders by Facsimile Machine in Home Health Agencies (HHAs); Call Geri Bischoff, R.N., at (512) 438-2100.

~Original Signature on File~

Marc Gold

Attachment



DEPARTMENT OF HEALTH & HUMAN SERVICES
Centers for Medicare & Medicaid Services
Division of Medicaid and State Operations, Region VI

1301 Young Street, Room 827
Dallas, Texas 75202
Phone (214) 767-6301
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March 14, 2001

REGIONAL SURVEY AND CERTIFICATION LETTER NO: 01-07

To: All State Survey Agencies (Action)
All Title XIX Single State Agencies (Information)

Subject: Physician Orders by Facsimile Machine in Home Health Agencies (HHAs)

The purpose for this letter is to inform you of a policy guidance on the acceptance of physician orders by fax machine in HHAs without following that order with the original order.

The Medicare Home Health Agency Manual, Transmittal 277, dated April 1996 states: "The plan of care or oral order may be transmitted by facsimile machine. The HHA is not required to have the original signature on file. However, the HHA is responsible for obtaining original signatures if an issue surfaces that would require verification of an original signature." It further states: "While the regulations specify that documents must be signed, they do not prohibit the transmission of the plan of care or oral order via facsimile machine. You are not required to have the original signature on file. However, you are responsible for obtaining original signatures if an issue surfaces that would require verification of an original signature." The HHA should be able to provide original orders within a reasonable time frame upon the surveyor's request. The Medicare Reference Guide For Home Health Agencies, dated August, 1999, states: We will accept a facsimile (FAX) physician signature on the HCFA-485 and on additional order forms. You must be able to obtain a copy of the physician's order with the original signature, if requested.

The Interpretive Guidelines for HHAs, Guidance to Surveyors, under 42 CFR 484.18(a), states: "Policies should also specify if the HHA: Accepts signed physician certification and recertification of plans of care, as well as signed orders changing the plan of care, by telecommunication systems ("fax"), which are filed in the clinical record."

Current policy, as stated in the above citations, permits the use of fax transmission to obtain the physician's orders for the patient.

Additionally, you requested clarification of the State agency's requirement that requires a physician's signature for verbal orders in the clinical record within fourteen (14) days. HCFA's policy has always been to defer to the state's policy if it is more stringent than the Federal requirement. 42 CFR 484.12(a) states "The HHA and its staff must operate and furnish services in compliance with all applicable Federal, State, and local laws and regulations." Therefore, we would expect the HHA to comply with the State's policy of "All physicians' verbal orders for care shall be signed and incorporated into the clinical record within fourteen (14) days."

If you have any questions, please contact Jann Caldwell, of my staff, at (214) 767-4401.

Sincerely,

~Signature on File~

Molly Crawshaw, Chief
Survey and Certification Operations Branch