



Survey Guidelines: Home Health

28 Pa. Code §601.31 Acceptance of Patients, Plan of Treatment and Medical Supervision. (d)Conformance with Physician Orders.

Overview

The purpose of this guidance is to further explain and clarify a technical advisory that was issued by the Department on May 13, 2013, located at http://www.health.pa.gov/migration/Documents/BCPLC/HHA/Survey_Guide.pdf.

Previous Guidance

Under Department regulations, currently, home health agencies must “immediately record and sign oral orders and obtain the physicians’ countersignature within 7 days.” See 28 Pa. Code §601.31 (7-day rule). As previously noted, the Department understands home health agencies’ concern that the 7-day rule presents an unreasonable hardship. The Department also recognizes the need to protect the health and safety of the citizens of the Commonwealth. Therefore, the Department issues the following guidance, which remains the same as the guidance posted on May 13, 2013.

Home health agencies may vary from the 7-day requirement, located in 28 Pa. Code §601.31, under the following conditions:

- An oral order not countersigned within 7 days must be accompanied by clearly documented evidence of the agency’s continuing efforts to obtain the countersignature within that timeframe.
- All contacts and attempts at contact with the prescriber, by any means of communication, must be documented including the date, time, and the signature of the individual making or attempting to make the contact.
- This notation regarding prescriber contact may be on the assessment, a case communication note, or other document maintained in the clinical record.
- If documentation of the attempt(s) to obtain the required countersignature is provided as stated herein, no deficiency citation will be issued, though the surveyor may make note of this lacking for a subsequent survey.
- A deficiency citation will be issued if there is no documentation of any attempt(s) to obtain the required countersignature as explained above.
- Any oral order not countersigned within 30 days of original issue, regardless of the number of attempts to obtain countersignature, will result in a citation.

Clarification

The Department of Health, Division of Home Health regulates the licensure of home health agencies in Pennsylvania, but does not regulate payment issues for home health agencies. The guidance that the Department issued on May 13, 2013, and this corresponding guidance, is strictly related to the Department's authority to regulate home health facilities for licensure purposes. DOH's guidance on this issue is not intended to direct other entities in their actions. DOH recommends that home health agencies and other related parties reference, among other items, Medical Assistance statutes and regulations, CMS Medicare Claim Processing guidance, and private insurance provider contracts for any issues dealing with payment.

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