

APA-1

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control No: 560 Department or Agency: Alabama Medicaid Agency

Rule No: 560-X-12-.08

Rule Title: Physician Certification and Recertification

_____ New; _____ X Amend; _____ Repeal; _____ Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? _____ no

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? _____ yes

Is there another, less restrictive method of regulation available that could adequately protect the public? _____ no

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? _____ no

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? _____ no

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? _____ yes

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? _____ no

Does the proposed rule have an economic impact? _____ no

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer: Stephanie Lindsay

Date: 6/20/2018

ALABAMA MEDICAID AGENCY

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Medicaid Agency

RULE NO. & TITLE: 560-X-12-.08 - Physician Certification and Recertification

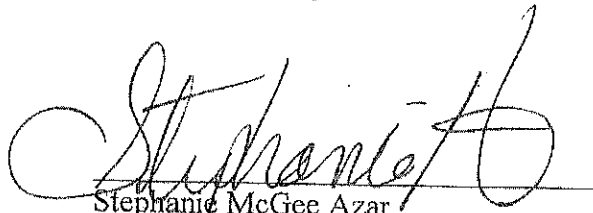
INTENDED ACTION: Amend 560-X-12-.08

SUBSTANCE OF PROPOSED ACTION: The above referenced rule is being amended to state the requirements for placing the initial written prescription or order for Home Health services.

TIME, PLACE, MANNER OF PRESENTING VIEWS: Written or oral comments may be submitted to the Alabama Medicaid Agency, 501 Dexter Avenue, Post Office Box 5624, Montgomery, Alabama 36103-5624. Agency business hours are 8:00 a.m. to 5:00 p.m. Monday through Friday.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: Written/Oral comments concerning this change must be received by the Alabama Medicaid Agency no later than August 3, 2018.

CONTACT PERSON AT AGENCY: Stephanie Lindsay, Administrative Secretary, Alabama Medicaid Agency, 501 Dexter Avenue, Post Office Box 5624, Montgomery, Alabama 36103-5624. Phone: (334) 242-5833.


Stephanie McGee Azar
Commissioner

Rule No. 560-X-12-.08 Physician Certification and Recertification

(1) An eligible Medicaid recipient may be considered for home health services (i.e., nursing services and home health aide services) care upon the initial written prescription or order signed and place by a physician recommendation of a medical doctor licensed in the State of Alabama who develops the recipient's written plan of care (the "ordering physician").

(2) The ordering patient's attending physician must sign and place the initial prescription or order certify the need for home health services only after the required based upon a face-to-face encounter visit with the recipient is conducted and documented by an authorized practitioner. patient

(3) Subsequent written prescriptions or orders for refills, ancillary supplies, repairs or services, or re-certifications do not require the ordering physician's signature or an additional face-to-face visit.

(4) Either the ordering physician or one of the following authorized non-physician practitioners (NPP) may conduct the required face-to-face visit so that the ordering physician can place and sign the initial written prescription or order for home health services:

(a) Certified registered nurse practitioners (CRNP) or clinical nurse specialists (CNS) working under a collaboration agreement under Alabama law with the ordering physician;

(b) Certified nurse midwives under applicable Alabama law;

(c) Physician assistants (PA) under the supervision of the ordering physician; or

(d) Attending acute or post-acute physicians, if recipients are admitted to home health services immediately after discharge from an acute or post-acute stay.

(5) Only the ordering physician may document the clinical findings of the required face-to-face visit for the initial written prescription or order for home health services in the recipient's medical record. If an NPP conducted the required face-to-face visit, then the NPP must communicate the clinical findings of the required face-to-face visit to the ordering physician so that the ordering physician can document those clinical findings in the recipient's medical record.

(6) The required face-to-face visit for the initial written prescription or order for home health services must be conducted which occurred no more than 90 days before or 30 days after the start of service. The face-to-face encounter visit must be related to the primary reason why the beneficiary recipient requires home health services. The attending-ordering physician must provide written documentation to the home health provider regarding the recipient's condition, which justify that the patient recipient meets home health criteria. The attending-ordering physician must be an active Medicaid provider licensed in the State of Alabama. The attending physician may conduct required face-to-face encounters visit may be conducted using telehealth systems.

(37) The ordering physician must recertify care every sixty (60) days if home health services continue to be necessary.

(8) For more information on the requirements for placing the initial written prescription or order for certain medical supplies, equipment, and appliances, please refer to

Chapter 13—Durable Medical Equipment (DME), Supplies, Appliances, Prosthetics, Orthotics and Pedorthics (POP).

Author: Renee R. Adams, Program Manager, Home Health, Long Term Care Division

Statutory Authority: Title XIX, Social Security Act; 42 C.F.R. Section 440.70; and State Plan.

History: Rule effective October 1, 1982. Amended: Filed December 18, 2000; Amended: Filed February 10, 2017; effective March 27, 2017. **Amended:** Filed June 20, 2018.