

Good Afternoon:

We wanted to let you know about a recent announcement regarding the Durable Medical Equipment Face-to-Face encounter requirement. Due to continued concerns that some providers and suppliers may need additional time to establish operational protocols necessary to comply with face-to-face encounter requirements mandated by the Affordable Care Act (ACA) for certain items of DME, the Centers for Medicare & Medicaid Services (CMS) will start actively enforcing and will expect full compliance with the DME face-to-face requirements beginning by a date that will be announced in Calendar Year 2014.

Section 6407 of the ACA established a face-to-face encounter requirement for certain items of DME. The law requires that a physician must document that a physician, nurse practitioner, physician assistant or clinical nurse specialist has had a face-to-face encounter with the patient. The encounter must occur within the 6 months before the order is written for the DME.

Although many durable medical equipment suppliers and physicians are aware of and are currently complying with this policy, CMS is concerned that some may need additional time to establish operational protocols necessary to comply with this new law. As such, CMS expects that during the next several months, suppliers and physicians who order certain DME items will continue to collaborate and establish internal processes to ensure compliance with the face-to-face requirement.

CMS expects all durable medical equipment suppliers to have fully established such internal processes and have appropriate documentation of required encounters by a date that will be announced in Calendar Year 2014. Those suppliers and physicians who are currently implementing the face-to-face requirement should continue to do so.

CMS will continue to address industry questions concerning the new requirements and will update information on our web site at: www.cms.gov/medical-review.

CMS and its contractors will also use other communication channels to ensure that the provider community is properly informed of this announcement.

If you have any questions, please feel free to contact the Office of Legislation.

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