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Web Announcement 2324

Provision Allows for Permanent Waiver of Requirement for Only Physician to Sign Orders for Home Health Care Services

The Coronavirus Aid, Relief, and Economic Security (CARES) Act includes a provision for “Improving Care Planning for Medicare Home Health Services.” This provision allowed for advanced practice registered nurses (nurse practitioners), clinical nurse specialists and physician’s assistants to order and sign for home health care services. As amended, an individual no longer has to be solely under the care of a physician.

During the COVID-19 public health emergency (PHE), Nevada Medicaid temporarily waived the requirement for only a physician to write and sign orders for home health agencies that are certified by the Centers for Medicare & Medicaid Services (CMS). However, in further guidance CMS explained the CARES Act language does not limit the effective period to the COVID-19 public health emergency, and instead permanently modifies the Medicare and Medicaid home health benefits. CMS is incorporating these changes into existing regulations at 42 C.F.R. § 440.70. Accordingly, these changes are “permanent and are not time limited to the period of the PHE for COVID-19,” and apply to services provided on or after March 1, 2020.

In addition, CMS has permanently modified the portion of the home health regulation regarding ordering of medical supplies, equipment or appliances. These items may now be ordered by “any licensed practitioner of the healing arts acting within the scope of practice authorized under State law,” as part of a written plan of care, and the plan of care must be reviewed at least annually “by the ordering practitioner” rather than by a physician as is currently required.

The non-physician practitioner must be practicing in accordance with state law and be appropriately supervised. The non-physician practitioner can establish the recipient’s plan of care and certify the recipient’s eligibility. This will allow the non-physician practitioner to sign the Plan of Care and interim orders directly and eliminate the extra step of having the supervising physician sign orders that were properly given by the non-physician practitioner.

Prior authorization request forms Home Health Agency – Intermittent Services (FA-16A) and Home Health Agency – Private Duty Nursing (PDN) Services Only (FA-16B) have been updated to accommodate the PDN changes. The updated forms are posted on the [Providers Forms](#) webpage.