



**Nebraska Department of Health and Human Services  
Health Plan Advisory No. 17-02**

DATE: March 15, 2017  
TO: Nebraska Heritage Health Plans  
FROM: Calder Lynch, Director  
Division of Medicaid & Long-Term Care  
BY: Ellen McMillan, RN  
RE: Face-to-Face Requirements

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This health plan advisory concerns the requirements of the CMS final rule implementing Section 6407 of the Patient Protection and Affordable Care Act of 2010. This rule adds the requirement of a documented occurrence of a face-to-face encounter when ordering home health services. Providers must be compliant with the final rule by July 1, 2017.

When a Medicaid member requires home health services or durable medical equipment (DME), the provider must document a face-to-face encounter (which can include telehealth) with the Medicaid member. The primary purpose of this encounter must be related to the service prescribed.

For the initial order of home health services, the face-to-face encounter must occur within 90 days before or 30 days after home health services are initiated.

For the initial order of durable medical equipment (DME), the face-to-face encounter must occur within six months before or 30 days after the DME order is written. Only DME products requiring prior authorization are subject to this requirement.

Please note, pursuant to 42 CFR 440.70, physicians, nurse practitioners and physician assistants may perform the face-to-face visit, but only physicians may order home health and DME.

If you have questions about this advisory, please contact Ellen McMillan at [ellen.mcmillan@nebraska.gov](mailto:ellen.mcmillan@nebraska.gov).