MHCA has been receiving questions recently about the face-to-face encounter requirements- particularly when a patient is referred to homecare from a clinic or a non-inpatient setting. In 2020, the CARES act was passed which gave the ability to have allowed practitioners certify and order home health. A few months after this passed, CMS updated the regulations. While the [Code of Federal Regulations](https://www.law.cornell.edu/cfr/text/42/424.22) were updated, [Chapter 7](https://www.cms.gov/Regulations-and-Guidance/Guidance/Manuals/Downloads/bp102c07.pdf) was not. This has led to some confusion in the homecare community.

In the [2022 Home Health Final Rule](https://www.federalregister.gov/d/2021-23993/p-319), CMS states “We amended the regulations to reflect that we would expect **the allowed practitioner to also perform the face-to-face encounter for the patient for whom they are certifying eligibility**; however, if a face-to-face encounter is performed by a physician or an allowed non-physician practitioner (NPP), as set forth in 424.22 (a)(1)(v)(A), in an acute or post-acute facility, from which the patient was directly admitted to home health, the certifying allowed practitioner may be different from the physician or allowed practitioner that performed the face-to-face encounter.”

**Here are a couple of things to take away from that statement:**

-Unless your patient is coming from an acute or post-acute setting, the certifying physician (or allowed practitioner) that is certifying your patient **MUST** be the one that completes the face-to-face encounter. MHCA has received confirmation from NGS that this is the way they interpret the guidance.

-The term “directly admitted” to home health is not the same as the 14-day admission source window relative to PDGM. For face-to-face encounters, the patient must directly come to home health from an acute or post-acute setting. A patient who is in the ED or observations status can be considered to be in an acute facility.  The term “directly admitted” has not been defined by CMS in the regulations.