

March 3, 2014

I am writing today on behalf of the 4000 Nurse Practitioners practicing in Maryland, and directly representing the over 500 members of the Nurse Practitioner Association of Maryland (NPAM). It has been brought to my attention by a member of NPAM that Western Maryland Medical Supply is prohibiting the ordering of Durable Medical Equipment (DME) for patients ordered by Nurse Practitioners.

As you may know, Nurse Practitioners (NPs) are advance practice nurses with authority to practice independently in Maryland. Many NPs maintain independent practices serving patients in all geographical locations in Maryland, particularly in the under-served rural areas where there is a lack of primary care physicians. We pride ourselves on providing high-quality, affordable healthcare to those patients.

On September 13, 2013, CMS issued a statement that Nurse Practitioners may continue to order DME without the co-signature of a physician and the face-to-face encounter requirement, until further announcement by CMS in 2014. To date, no date has been announced by CMS.

We believe that denying patients DME as ordered by their primary care Nurse Practitioner is detrimental to the health and well-being of those individuals needing care and is a barrier to healthcare. Further, it is a barrier to Nurse Practitioner practice.

I am forwarding to you the link to access the current CMS regulations and have also pasted them in the body of this email. Thank you for your attention to this very important and timely matter. I look forward to hearing from you.

<http://www.cms.gov/Research-Statistics-Data-and-Systems/Monitoring-Programs/Medical-Review/FacetoFaceEncounterRequirementforCertainDurableMedicalEquipment.html>

### **Face-to-Face Encounter Requirement for Certain Durable Medical Equipment**

#### **Additional Time to Establish Protocols for Newly Required Face-to-Face Encounters for Durable Medical Equipment (DME) – September 9, 2013**

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](http://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.

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