

Center for Medicaid and State Operations / Survey and Certification Group

Ref: S&C-04-35

DATE: July 8, 2004
TO: State Survey Agency Directors
FROM: Director
Survey and Certification Group
SUBJECT: Physician's Rubber Stamp Signature

Letter Summary

- Effective immediately, home health agencies (HHAs) and hospices may accept a physician's rubber stamp signature for their clinical record documentation if this is permitted by Federal, state, and local law and authorized by the HHA's and hospice's policy.
- An HHA or hospice that accepts a physician's rubber stamp signature must obtain a signed statement from the physician attesting that he/she is the only one who has the stamp and uses it.

The purpose of this memorandum is to provide survey and certification guidance related to the use of physicians' signature stamps by Medicare approved home health and hospice providers.

Background

Effective January 1, 2004, CMS Publication 100-8 (Program Integrity Manual), Chapter 3.4.1.1.B was revised to state, in pertinent part, the following guidance:

Medicare requires a legible identity for services provided/ordered. The method used (e.g., hand written, electronic, or signature stamp) to sign an order or other medical record documentation for medical review purposes in determining coverage is not a relevant factor. Rather, an indication of a signature in some form needs to be present. Do not deny a claim on the sole basis of type of signature submitted.

Since the publication of this manual section, we received several inquiries from state surveyors, HHAs and hospices regarding the acceptability of physicians' rubber stamp signatures in the clinical record documentation of these providers.

Discussion

Physicians using alternative signature methods (e.g., a signature stamp) should recognize that there is a potential for misuse or abuse with a signature stamp or other alternate signature methods. For example, a rubber stamped signature is much less secure than other modes of signature identification. The individual whose name is on the alternate signature method bears the responsibility for the authenticity of the information being attested to. Physicians should check with their attorneys and malpractice insurers in regard to the use of alternative signature methods.

Decision

Hospices and HHAs may accept a physician's rubber stamp signature when they are permitted to do so by Federal, state and local law and when this is authorized by the HHA's and hospice's policy. The individual whose signature the stamp represents must place in the administrative offices of the agency a signed statement attesting that he/she is the only one who has the stamp and uses it.

All state licensure and state practice regulations continue to apply to Medicare approved hospices and HHAs. Where state law is more restrictive than Medicare, the provider needs to apply the state law standard.

Note that this instruction does not supersede any current policy related to Medicare coverage and eligibility rules or instructions from the Regional Home Health Intermediaries.

For questions on this memo, please contact Mavis Connolly at (410) 786-6707 or e-mail at mconnolly@cms.hhs.gov.

Effective Date: June 10, 2004

Training: The information contained in this announcement should be shared with all survey and certification staff, their managers, the state/RO training coordinator, all OASIS coordinators, and all HHAs and hospices.

/s/

Thomas E. Hamilton

cc: Survey and Certification Regional Office Management (G-5)