



Center for Medicaid and State Operations/Survey and Certification Group

Ref: S&C-08-22

DATE: May 30, 2008
TO: State Survey Agency Directors
FROM: Director
Survey and Certification Group
SUBJECT: Signature Stamps for Home Health Agencies (HHA) and Hospices

Memorandum Summary

Effective immediately, HHAs and hospices may not accept physicians' rubber stamp signatures for their clinical record documentation. This memo updates S&C-04-35, published July 8, 2004

The purpose of this memorandum is to provide updated survey and certification guidance related to the use of physicians' signature stamps by Medicare-approved home health and hospice providers. It updates S&C-04-35, published July 8, 2004.

In our efforts to promote consistency between our survey and certification policies and Medicare program integrity policies, we are no longer allowing HHAs and hospices to accept stamp signatures from physicians. This action is part of the Centers for Medicare & Medicaid Services' (CMS) continuing overall plan to institute necessary program safeguards aimed at combating fraud and abuse in the Medicare and Medicaid programs.

Background

Effective September 3, 2007 CMS Publication 100-8 (Program Integrity Manual), Chapter 3.4.1.1 was revised to state, in pertinent part, the following guidance per [Transmittal 248](#):

Medicare requires a legible identity for services provided/ordered. The method used shall be hand written or an electronic signature (stamp signatures are not acceptable) to sign an order or other medical record documentation for medical review purposes.

Noted Exception: Facsimile of original written or electronic signatures are acceptable for the certifications of terminal illness for hospice.

Discussion

Physicians using electronic signatures should recognize that there is a potential for misuse or abuse with alternate signature methods. For example, providers need a system and software products that are protected against modification, etc., and should apply administrative procedures that are adequate and correspond to recognized standards and laws. The individual whose name is on the alternate signature method as well as the provider bear the responsibility for the authenticity of the information to which they have attested. Physicians should check with their attorneys and malpractice insurers in regard to the use of alternative signature methods.

Decision

Effective immediately, HHAs and hospices may not accept stamped physician signatures on orders, treatments, or other documents that are a part of the patient's clinical record.

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.

Effective Date: April 28, 2008

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