

CMS Manual System	Department of Health & Human Services (DHHS)
Pub 100-08 Medicare Program Integrity	Centers for Medicare & Medicaid Services (CMS)
Transmittal 662	Date: July 1, 2016
	Change Request 9679

SUBJECT: Date and Timing Requirements

I. SUMMARY OF CHANGES: The purpose of this change request (CR) is to update language in chapter 5, subsection 5.2.6 of Pub. 100-08 to clarify date and timing requirements as outlined in 42 CFR 410.38(g). Also, to update the Pub. 100-08 language to eliminate the date stamp requirement in the same section to provide consistency among the review contractors.

EFFECTIVE DATE: August 1, 2016

**Unless otherwise specified, the effective date is the date of service.*

IMPLEMENTATION DATE: August 1, 2016

Disclaimer for manual changes only: The revision date and transmittal number apply only to red italicized material. Any other material was previously published and remains unchanged. However, if this revision contains a table of contents, you will receive the new/revised information only, and not the entire table of contents.

II. CHANGES IN MANUAL INSTRUCTIONS: (N/A if manual is not updated)

R=REVISED, N=NEW, D=DELETED-*Only One Per Row.*

R/N/D	CHAPTER / SECTION / SUBSECTION / TITLE
R	5/5.2/5.2.6 - Date and Timing Requirements

III. FUNDING:

For Medicare Administrative Contractors (MACs):

The Medicare Administrative Contractor is hereby advised that this constitutes technical direction as defined in your contract. CMS does not construe this as a change to the MAC Statement of Work. The contractor is not obligated to incur costs in excess of the amounts allotted in your contract unless and until specifically authorized by the Contracting Officer. If the contractor considers anything provided, as described above, to be outside the current scope of work, the contractor shall withhold performance on the part(s) in question and immediately notify the Contracting Officer, in writing or by e-mail, and request formal directions regarding continued performance requirements.

IV. ATTACHMENTS:

**Business Requirements
Manual Instruction**

Attachment - Business Requirements

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EFFECTIVE DATE: August 1, 2016

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IMPLEMENTATION DATE: August 1, 2016

I. GENERAL INFORMATION

A. Background: We are adjusting the Pub. 100-08 language to comply with 42 CFR 410.38(g) in reference to the written order on file. Also, we are changing the Pub. 100-08 language to remove the date stamp requirement to promote consistency among the review contractors during their medical review.

B. Policy: 42 CFR 410.38(g)

II. BUSINESS REQUIREMENTS TABLE

"Shall" denotes a mandatory requirement, and "should" denotes an optional requirement.

Number	Requirement	Responsibility								
		A/B MAC			DME MAC	Shared-System Maintainers				Other
		A	B	HHH		FISS	MCS	VMS	CWF	
9679.1	The contractors shall confirm that the date of the written order is on or before the date of delivery, unless otherwise specified.				X					
9679.2	The contractors shall educate the Durable Medical Equipment supplier that there must be a completed written order on file prior to delivery, unless otherwise specified.				X					

III. PROVIDER EDUCATION TABLE

Number	Requirement	Responsibility				
		A/B MAC			DME MAC	CEDI
		A	B	HHH		
	None					

IV. SUPPORTING INFORMATION

Section A: Recommendations and supporting information associated with listed requirements:

"Should" denotes a recommendation.

X-Ref Requirement Number	Recommendations or other supporting information:
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Section B: All other recommendations and supporting information: N/A

V. CONTACTS

Pre-Implementation Contact(s): Maria Ciccanti, 63107 or maria.ciccanti@cms.hhs.gov

Post-Implementation Contact(s): Contact your Contracting Officer's Representative (COR).

VI. FUNDING

Section A: For Medicare Administrative Contractors (MACs):

The Medicare Administrative Contractor is hereby advised that this constitutes technical direction as defined in your contract. CMS does not construe this as a change to the MAC Statement of Work. The contractor is not obligated to incur costs in excess of the amounts allotted in your contract unless and until specifically authorized by the Contracting Officer. If the contractor considers anything provided, as described above, to be outside the current scope of work, the contractor shall withhold performance on the part(s) in question and immediately notify the Contracting Officer, in writing or by e-mail, and request formal directions regarding continued performance requirements.

ATTACHMENTS: 0

5.2.6 - Date and Timing Requirements

(Rev. 662, Issued: 07-01-16: Effective: 08-01-16, Implementation: 08-01-16)

For items outlined in 42 CFR 410.38 (g), the following specific date and timing requirements apply:

The date of the face-to-face examination shall be:

- *on or before the date of the written order (prescription).*
- *be no older than 6 months prior to the prescription date.*
- *be on or before the date of delivery for the item (s) prescribed.*

For all DMEPOS items unless otherwise specified, the following date and timing requirements apply:

The date of the written order *shall* be on or before the date of delivery.

The DMEPOS supplier *shall* have *on file* the completed *written order* prior to the delivery of these items.