

CMS Manual System	Department of Health & Human Services (DHHS)
Pub 100-08 Medicare Program Integrity	Centers for Medicare & Medicaid Services (CMS)
Transmittal 722	Date: May 26, 2017
	Change Request 10106

SUBJECT: Clarifying Date and Timing Requirements for Certain Durable Medical Equipment Prosthetics Orthotics and Supplies (DMEPOS)

I. SUMMARY OF CHANGES: The purpose of this Change Request (CR) is to clarify the instructions for conducting medical reviews of written orders provided for certain items of DMEPOS, as outlined in 42 CFR 410.38(g).

EFFECTIVE DATE: June 27, 2017

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

IMPLEMENTATION DATE: June 27, 2017

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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I. GENERAL INFORMATION

A. Background: This CR updates chapter 5 of Pub. 100-08, specifically the language in section 5.2.6 that outlines the timing requirements for face-to-face encounters and written orders prior to delivery. Suppliers shall, prior to delivery of certain items, obtain a written order. Contractors shall verify that such orders are dated prior to delivery of the DMEPOS item(s).

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	
10106.1	Contractors shall, for DMEPOS items outlined in 42 CFR 410.38(g), review the written order in accordance with Chapter 5, Section 5.2.6 of Pub. 100-08.				X					CERT, RACs, SMRC
10106.1.1	Contractors shall ensure that the date of the written order is on or before the date of delivery or date shipped if the shipping date is used as the date of service.				X					CERT, RACs, SMRC

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: N/A

"Should" denotes a recommendation.

X-Ref Requirement Number	Recommendations or other supporting information:

Section B: All other recommendations and supporting information: N/A

V. CONTACTS

Pre-Implementation Contact(s): Olufemi Shodeke, 410-786-1649 or olufemi.shodeke@cms.hhs.gov , Jennifer Phillips, 410-786-1023 or jennifer.phillips@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.722; Issued: 05-26-17; Effective: 06-27-17; Implementation: 06-27-17)

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).
- no older than 6 months prior to the prescription date.
- 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 *or date shipped if the shipping date is used as the date of service*.