

MEMORANDUM

Texas Department of Human Services * Long Term Care/Policy

TO: LTC-R Regional Directors
Section/Unit Managers

FROM: Marc Gold
Section Manager
Long Term Care-Policy
State Office MC: W-519

SUBJECT: Regional Survey & Certification Letter #99-32

DATE: October 4, 1999

The attached RS&C Letter is being provided to you for information purposes and should be shared with all professional staff.

- RS&C Letter No. 99-32 -- Home Health Agency Branch Offices; Call Marcia Bowen, HCSSA, Long Term Care-Regulatory, at (512) 832-6647.

If you have any questions, please direct inquiries to the individuals or sections listed above.

~Original Signature on File~

Marc Gold

Attachment

DEPARTMENT OF HEALTH & HUMAN SERVICES
Health Care Financing Administration

Region VI
1301 Young Street, Room 833
Dallas, Texas 75202

December 13, 1999

REGIONAL SURVEY AND CERTIFICATION LETTER NO: 99-32

To: All State Survey Agencies (Action)
All Title XIX Single State Agencies (Information)

Subject: Home Health Agency Branch Offices

The Health Care Financing Administration (HCFA) recently reviewed the national policy in Transmittal 99-1 for approving home health agency (HHA) branch offices and subunits. Based on this review, we concluded that our policy as stated in the program memorandum is consistent with regulatory and statutory requirements and serves to promote quality patient care.

To further clarify the policy, HCFA Central Office provided guidance in five specific areas: (1) daily on site supervision vs. other means; (2) distance between the parent and branch as a single issue in determining appropriateness; (3) the use of electronic and other types of communication; (4) more emphasis on case-by-case consideration; and (5) whether experience of the branch and/or parents could be taken into consideration.

1. Supervision of the branch staff is critical to the provision of quality care for patients. The regulations, in fact, require the branch to be within the parent's geographical service area and close enough to the parent to share supervision, administration and services on a daily basis. Supervision means authoritative procedural guidance by a qualified person for the accomplishment of a function or activity. The parent is responsible for determining that the supervision at the branch is adequate to support the care needs of the patients. further, the presence of an effective full time branch supervisor or manager, who is formally appointed by and under the supervision of the parent, should not be an exclusive cause for denying a branch application.
2. The program memorandum outlines many factors for the regional offices (ROs) to consider in their decision to approve a branch. Mileage and travel times are significant factors that are considered because they are implicitly referenced in the regulations. However, each alone would not be the single issue in determining appropriateness.
3. Supervision requires, unless otherwise specified in the regulations, that a qualified person be physically present during the provision of services by any individual who does not meet the qualifications specified at 42 CFR 484.4. While we support the effective use of telephones, pagers, facsimiles, or other electronic devices, we do not believe that these are a substitute for or eliminate for the requirement for the physical presence of the supervisor.

Also, please note that there is no requirement in the program memorandum for a supervisor of the parent to depart from and return to the parent every day. Nor is there any requirement that precludes the parent HHA from appointing and supervising a full time branch supervisor. The regulations, as stated above, do require the branch to be close enough to the parent to share supervision, administration and services on a daily basis.

4. The program memorandum is clear and appropriate and supports consideration of all guidelines provided in it for determining whether an applicant is a branch, parent, or subunit. These guidelines should be applied on a case-by-case basis. The HCFA ROs will exercise their judgement, considering these guidelines, in making decision to approve or deny an HHA's application for a branch.
5. The ROs will consider the past compliance history of the parent in its determination of whether to allow a branch or additional branches. We believe that a parent HHA with a demonstrated history of compliance with the conditions of participation would be better able to manage a branch than an HHA with a poor compliance history. Of course, this is simply one of many factors we would take into account.

In addition to the guidelines stated above, the RO will also consider any relevant State issues and recommendations. For example, as stated in section 2184 of the State Operations Manual, a branch office may be located in a neighboring State if it is near enough to the parent agency to share administration, supervision, and services on a daily basis and if the State agencies responsible for certification in each State approve the operation. The RO will review the required reciprocal agreement between the States to assure that at least one of the State agencies assumes responsibility for any necessary surveys of the branch.

Sincerely,

~Signature on File~

Molly Crawshaw, Acting Chief
Survey and Certification Operations Branch