

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 #00-05

DATE: January 26, 2000

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. 00-05 -- Record Retention of Home Health Agency (HHA) Medical Records; Call Marcia Bowen, HCSSA, Long Term Care-Regulatory, at (512) 834-6647.

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

January 11, 2000

REGIONAL SURVEY AND CERTIFICATION LETTER NO: 00-05

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

Subject: Record Retention of Home Health Agency (HHA) Medical Records

This is to provide you with policy guidance on the retention of HHA medical records when the provider discontinues operations. We have experienced several HHAs that have closed without protecting the clinical records as required by the HHA regulations at 42 CFR 484.48(b).

HCFA will not enter into a provider agreement with any HHA unless it is satisfied that the entity meets all Federal requirements and is able to comply with section 1866 of the Social Security Act and all HHA conditions of participation. If HCFA becomes aware that an entity requesting to enter the Medicare program is unable or unwilling to comply with the Federal regulations governing protection of clinical records it would deny the application.

If a State agency becomes aware that a closed provider has abdicated its responsibility for protecting clinical records, please notify HCFA as soon as possible so that HCFA may refer the provider to the Office of the Inspector General for concerns related to violations of privacy. There is no requirement for HCFA to locate or to assume the HHA's responsibility or cost for protecting the HHA's clinical records.

If you have any questions please contact Jann Caldwell, of my staff, at (214) 767-4401.

Sincerely,

~Signature on File~

Molly Crawshaw, Acting Branch Chief
Survey and Certification Operations Branch
Division of Medicaid and State Operations