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September 12, 2011

Donald Berwick, M.D.
Administrator
Centers for Medicare & Medicaid Services
Department of Health and Human Services
7500 Security Boulevard
Baltimore, MD 21244-1850

Re: CMS-2348-P, Proposed Rule: Medicaid Program; Face-to-Face Requirements for Home Health Services; Policy Changes and Clarifications Related to Home Health

Dear Dr. Berwick:

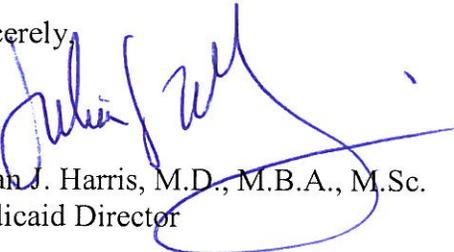
The Commonwealth of Massachusetts appreciates the opportunity to submit comments on the Proposed Rule regarding the Face-to-Face Requirements for Medicaid Home Health Services and Policy Changes and Clarifications Related to Home Health. Below are Massachusetts' comments and clarifying questions related to the proposed rule.

- 1) Please clarify the effective date for the face-to-face requirement for certification for Medicaid home health and DME services.
- 2) Please clarify if the face-to-face encounter for durable medical equipment described under 440.70(5)(g)(1)(2) applies to DME furnished solely as a home health benefit or whether it also applies to DME paid for by Medicaid that is not covered as part of the home health benefit.
- 3) If the proposed face to face requirement for DME applies to DME that is paid for by Medicaid but not as part of the home health benefit, will the face to face requirement apply only to certain equipment and supplies, and, if so, please clarify which equipment/supplies.

4) If the proposed rule only applies to DME that is provided as part of the home health benefit, does CMS plan to issue a similar proposed rule regarding face-to-face requirements specific to DME paid by Medicaid that is not part of the home health benefit? Currently Medicare does require a face-to-face encounter for specific DME equipment and supplies that are not part of the home health benefit, but Medicaid does not.

Massachusetts appreciates the opportunity to comment on this proposed rule and looks forward to continuing to work with CMS to strengthen and improve the Medicaid program.

Sincerely,



Julian J. Harris, M.D., M.B.A., M.Sc.
Medicaid Director