

ZPICs Will Deny Claims with "Signature Stamps" and "Date Stamps"



(February 19, 2011): While the use of "signature stamps" has been prohibited for quite some time, a wide variety of health care providers have continued to use "date stamps" or some other method of memorializing when a document was signed by an ordering or treating physician. While the Centers for Medicare and Medicaid Services (CMS) has not announced a total ban on such practices, they have recently prohibited home health and hospice agencies from continuing to use date stamps.

I. Background:

Late last year, CMS notified its Medicare contractors that physicians must sign and date hospice certifications and home health plans of care, verbal orders, and certifications. A number of Medicare contractors then notified hospice and home health providers of this change, noting that it would become effective for all documents signed on or after January 1, 2011.

II. Basis for Ban on "Date Stamps":

Characterized by at least one Medicare contractor as a "clarification," this change was based on the following CMS references:

Home Health

Medicare General Information, Eligibility and Entitlement Manual (Pub. 100-01), [Chapter 4, section 30.1](#) which states: "The attending physician signs ***and dates*** the POC/certification prior to the claim being submitted for payment."

The manual requirement is also addressed in 42 CFR 424.22(D)2 effective 1/11/11, and states "The certification of need for home health services must be obtained at the time the plan of care is established or as soon thereafter as possible and must be signed ***and dated*** by the physician who establishes the plan." The instructions for recertification are found in the same Part and restates that it "must be signed and dated by the physician who reviews the plan of care."

Hospice

Medicare General Information, Eligibility and Entitlement Manual (Pub. 100-01), [Chapter 4, section 60](#) states: “Certification statements must be ***dated*** and signed by the physician.”

The manual requirement is also addressed in 42 CFR 418.22(b)(5) effective 1/11/11 and states: “All certifications are recertifications must be signed ***and dated*** by the physician(s).”

Other Considerations:

In reviewing this clarification, it is somewhat confusing (if not inconsistent) in light of CMS’ recent guidance in the Federal Register titled “***Medicare Program; Home Health Prospective Payment System Rate Update for Calendar Year 2011; Changes in Certification Requirements for Home Health Agencies and Hospices; Final Rule.***” As the Final Rules reflect, the use of “date stamps” was expressly addressed at approximately the same time CMS sent out its clarification to Medicare contractors. As the Final Rule reflects:

Comment: A commenter recommended that CMS continue to accept the hospice date stamp on POCs returned to the agency by physicians who forget or fail to date their signature on this document.

Response: At this time, there is nothing to preclude a hospice from using a date stamp if a physician fails to date his or her signature on the POC.

To be clear, technically the clarification guidance is not inconsistent with CMS’ response in the Final Rule. When discussing the change for hospices, the clarification focused on certifications and recertifications while the Final Rule focused on plans of care. Nevertheless, from a compliance standpoint, the message is quite clear – “date stamps” should not be used.

III. Compliance Recommendations With Respect to Date Stamps:

From a compliance standpoint, it is imperative that both physicians and staff are educated and understand that date stamps are no longer acceptable. Although CMS’ clarification was directed at home health and hospice providers, the best practice would be for all providers to discontinue the use of date stamps in connection with all documents, not merely those documents identified above. Like signature stamps, the use of date stamps will likely ultimately be prohibited for all Medicare providers.

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It is equally important to recognize that orders, certifications, recertifications and plans of care and other documents **must be signed in a timely fashion**. They should not be backdated or signed by anyone other than the physician responsible for ordering the certification or establishing the plan of care.

If a home health or hospice provider receives a signed order or certification from a physician who has not dated the document, it should immediately be sent back to him to be properly dated.

From a “program integrity” standpoint, Zone Program Integrity Contractors (ZPICs) and Program Safeguard Contractors (PSCs) will now be including this issue in its list of technical audit issues. Health care providers should add this issue to their list of compliance “risks.”

Liles Parker attorneys represent home health and hospice providers in connection with ZPIC audits, compliance counseling and business transactions. Should you have questions, please feel free contact us for a free consultation. We can be reached at 1 (800) 475-1906.