

# Insights

## Delay in Implementation of Home Health COPs

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In January 2017, we reported on CMS' recent publication of a comprehensive final rule revising the conditions of participation ("COPs") that home health agencies ("HHAs") must abide by in order to participate in Medicare and Medicaid programs. This Final Rule was published on January 13, 2017 and was set to be effective on July 13, 2017.

In response to the Final Rule, affected HHAs expressed a lot of concern to CMS about their ability to comply with the revised COPs by the July 2017 effective date. Specifically, stakeholders provided the following reasons for delaying the effective date: (1) HHAs were not able to effectively implement the new COPs until CMS issued its revised Interpretive Guidelines (State Operations Manual, CMS Pub. 100-07, Appendix B); (2) HHAs were unable to effectively implement the new COPs until CMS issued further sub-regulatory guidance related to converting subunits to branches or independent HHAs, which would impact 216 HHAs nationwide; and (3) the estimated \$300 million cost to implement the new COPs.

In response to this concern, on April 3<sup>rd</sup>, CMS published a proposed rule that would delay the effective date of the Final Rule for an additional six (6) months, from July 13, 2017 to January 13, 2018. Please note that this rule must still proceed through the comment stage and be finalized before the COP effective date will actually be delayed to January 2018. However, it is not expected that there will be many adverse comments. Comments are due to CMS by June 2, 2017.

For any questions regarding this final rule and article, please contact Meghan M. Linvill McNab.