

Fraud and Abuse: Home Health Care and Durable Medical Equipment

It is the position of the Academy, that physicians should be actively involved in the supervision of home health care and DME to ensure access to and quality of care, and to counter the potential for abuse. The following guidelines are recommended to assist physicians in this role:

- DME and home health services should be ordered by a physician with appropriate documentation of medical necessity before such services are offered to the patient or family;
- the physician responsible for the patient's care should order such services;
- the physician who signs the plan of care should see the patient or transition their care to a physician who will see them on a regular, periodic basis;
- the physician should carefully review all initial and renewal orders for DME and home health services and should authorize such services only for patients with whom the physician is professionally involved in providing care;
- the physician should not sign a certification as a courtesy to a patient, service provider, or DME supplier. A physician must make a determination of medical necessity for such service;
- the physician should not knowingly or recklessly sign a false or misleading certification that causes a false claim to be submitted to a Federal health care program;
- the physician should not receive any financial benefit for signing the certification (including free or reduced rent, patient referrals, supplies, equipment, or free labor); and
- the physician should be cautious of business arrangements established between those in a position to refer business and those providing items or services for which a Federal health care program pays. The Stark physician referral law prohibits referrals derived from such arrangements unless one of the Stark exceptions has been met.