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Department of Health and Family Services

Date: December 3, 2007

To: Home Health Agencies

From: Creneear Mims, Director
Bureau of Health Services

Via: Otis Woods, Administrator
Division of Quality Assurance

DQA Memo 07-022
Supersedes Memo DSL-BQA-01-017
HHA 10

<p style="text-align: center;">Home Health Update Chapter HFS 133, Wisconsin Administrative Code Effective December 1, 2007</p>
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In the past, the Division of Quality Assurance (DQA) has received numerous questions related to patient discharge regulations. This memorandum replaces DSL-BQA 01-017 and updates the information to reflect the promulgation of revisions to ch. HFS 133, Wisconsin Administrative Code effective December 1, 2007.

<p style="text-align: center;">Section HFS 133.09 (3) Notice of Discharge</p>

Question: What information must be included in the notice of discharge provided to the patient at the time of discharge?

Response: Section HFS 133.09 (3)(a) 5. requires that the home health agency include all of the following in every written discharge notice to a patient or the patient's legal representative:

- * The reason for discharge;
- * A notice of the patient's right to file a complaint with the department;
- * The department's toll-free home health hotline telephone number; and
- * The address and telephone number of the department's Division of Quality Assurance.

Question: Home health agencies are required to provide information about the right to file a complaint and the process for filing a complaint with the Department upon admission. Are they required to provide this information again in writing upon discharge?

Response: Yes, s. HFS 133.09(3)(a)5.b. requires a home health agency to provide this information at the time of discharge.

Question: Do home health agencies have to give a written notice if the patient is being discharged with goals met and care is discontinued?

Response: If the patient is being discharged because goals have been met and the physician or the advance practice nurse prescriber has discontinued the plan of care, the agency should provide the patient with a written notice at the time of discharge. The agency must discuss the discharge with the patient or the patient's legal representative and the attending physician or advance practice nurse prescriber prior to the discharge (s. HFS 133.09(3)(a)1.). The clinical record documentation must reflect these contacts and discussions (s. HFS 133.21(5)(i)).

Question: Is a notice of discharge necessary if the patient is going from Medicare/Medicaid covered services to private pay?

Response: If the payment source changes and the patient is not being discharged from the agency, there is no need to provide a written notice of discharge.

Question: Do home health agencies have to give the patient a 10-day notice if the patient is being discharged due to the patient's non-payment of fees or the agency's inability to provide services?

Response: If the reason for discharge is non-payment of fees or the agency's inability to provide the care **due to a change in patient condition that is not an emergency**, the patient must be given the written notice at least 10 working days in advance of the discharge (s. HFS 133.09(3)(a)2.). In addition, if the patient has needs which the home health agency cannot meet, s. HFS 133.11 requires the agency to refer the patient to other resources that may be appropriate to meet those needs.

Question: Are home health agencies required to provide a notice of discharge to patients who refuse the continuation of services and discharge themselves?

Response: A home health agency cannot prohibit the patient from discontinuing services and discharging himself or herself. The agency must inform the attending physician or the advance practice nurse prescriber of the patient's decision to discontinue services. If the physician or advance practice nurse prescriber concurs with the patient's request to discontinue service, the agency would process and document the physician's or advance practice nurse prescriber's discharge of the patient. The agency would then provide the patient with a notice of discharge pursuant to s. HFS 133.09 (3)(a)3.c.

If the physician or the advance practice nurse prescriber disagrees with the patient's decision to discontinue services, and the agency and the physician or the advance practice nurse prescriber are unsuccessful in persuading the patient to continue services, the clinical record documentation should reflect the patient's decision to discontinue services. Section HFS 133.08(2)(e) allows a patient to refuse treatment to the extent permitted by law and to be informed of the medical consequences of such refusal. The agency would inform the physician or the advance practice

nurse prescriber of the last date of service. The clinical record documentation must reflect patient notification, physician or advance practice nurse prescriber contacts, coordination efforts and the actions of the patient, attending physician or advance practice nurse prescriber and the agency (s. HFS 133.21(5)).

Although s. HFS 133.09 does not require the agency to provide a patient who discontinues services with a notice of discharge, s. HFS 133.08(2)(c) requires the agency to inform the patient of all changes in services and charges as they occur. Accordingly, the agency would need to provide a notice to the patient regarding the cessation of services without physician or advance practice nurse prescriber authorization and the medical consequences of this service refusal.

In the past, DQA issued a statewide variance of s. HFS 133.21(5)(i) to permit home health agencies to complete the discharge summary within 30 days because the standard was inconsistent with the timeframe contained in s. HFS 133.09(3)(b). This variance is no longer necessary because HFS 133.21(5)(i) has been amended to allow for 30 days following discharge to complete the discharge summary.

If you have questions about this information, please contact the Section Chief assigned to your agency. The names and telephone numbers of the Section Chiefs are listed below:

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