

The 36-Month Rule Self-Assessment

15 checks for home health agencies preparing for the tightened 36-month rule proposed in CMS-1844-P (expected effective ~January 1, 2027).

Home health agencies already live under the 36-month rule. CMS-1844-P would tighten it to reach management agreements and transition arrangements that transfer control before the paperwork does — and pair it with retroactive revocation authority. These 15 checks surface the arrangements the tightened rule is written to find. Anything you cannot check is a gap worth closing now.

Domain 1 · Ownership & control history (checks 1–5)

- 1. Date and document every change in ownership or control over the past 36 months — direct, indirect, and at the parent-company level.
- 2. Confirm each past change of ownership was reported to CMS on time and appears correctly in your PECOS record today.
- 3. Map your ownership chain to the ultimate natural-person owners, including holding companies and investor layers.
- 4. If a transaction is contemplated, sequence the enrollment filing against the closing timeline — before, not after.
- 5. Verify your capitalization evidence (initial reserve operating funds documentation) is complete and retrievable.

Domain 2 · Management & transition arrangements (checks 6–10)

- 6. Inventory every management agreement, MSO arrangement, and interim-management contract — who actually controls day-to-day operations.
- 7. Flag any arrangement that transfers operational control without (or before) a formal ownership change — the exact structure the tightened rule targets.
- 8. Review transition-services agreements from prior deals that are still in effect.
- 9. Confirm the managing employees in PECOS match reality — administrator and clinical supervisor today, plus clinical directors and department heads under the proposed expansion.
- 10. Screen every owner and managing employee against the OIG exclusion list (LEIE) and SAM.gov — and calendar a monthly re-screen.

Domain 3 · Disclosure & filing readiness (checks 11–15)

- **11.** Reconcile PECOS practice locations and branches against where you actually operate; remove closed or relocated sites.
- **12.** Confirm your revalidation due date and calendar it at least 120 days out.
- **13.** Inventory affiliations — current and historical — with any provider carrying uncollected debt, a payment suspension, an exclusion, or a revoked or denied enrollment. The proposed rule removes the five-year limit.
- **14.** Verify past 855A filings were complete and timely; document any late reports with corrective notes now, on your terms.
- **15.** Assemble an enrollment binder — current 855A, org chart, agreements, disclosures — so any CMS request is answerable in days.

What to do with your gaps. Anything unchecked above is exposure under the proposed rule — and most of it is fixable before the effective date. Precisian Group offers a free evaluation: your PECOS record, disclosures, and where you stand today, with an honest answer about whether you need help at all. Call Tiffany Kovar directly at **512.549.7445** or visit **precisiangroup.com**.

Sources: CMS-1844-P (proposed rule, published July 6, 2026; comments close August 31, 2026; final rule expected fall 2026). This document summarizes proposed provisions — requirements may change in the final rule. General information, not legal advice. © 2026 Precisian Group · precisiangroup.com