

Eli's Hospice Insider

Eligibility: Slow CWF Information Trips Up Hospices

Watch for coming CMS transmittal on how to handle missed F2F encounters.

Another major obstacle to face-to-face compliance is an inability to secure reliable information from the Common Working File regarding third or later benefit period status.

Reminder: "The face-to-face encounter must occur no more than 30 calendar days prior to the 3rd benefit period recertification, and no more than 30 calendar days prior to every subsequent recertification thereafter," the **Centers for Medicare & Medicaid Services** says in a Powerpoint presentation about the hospice F2F requirement posted on its website.

After industry outcry over the timeframe in the proposed rule, CMS added a very narrow exception. "In cases where a hospice newly admits a patient who is in the third or later benefit period, exceptional circumstances may prevent a face-to-face encounter prior to the start of the benefit period," CMS admits in the presentation. "In such documented cases, a face to face encounter which occurs within 2 days after admission will be considered to be timely."

But that two-day window is still much too strict for the many cases in which third or later benefit period data is simply not available to the admitting hospice, insists **Judi Lund Person** with the **National Hospice and Palliative Care Organization**.

"It remains a hassle to obtain accurate and timely information from the Common Working File," laments consultant **Heather Wilson** of **Weatherbee Resources** in Hyannis, Mass. "Some hospices are deciding not to admit patients who are in their third or later benefit periods."

Hospices Hope For F2F Answers In Forthcoming Transmittal

Hospices are also very confused about what to do after they find out their patient has missed the F2F window, Person says.

CMS says patients who don't complete the F2F physician encounter as required within the timeframe must be discharged from Medicare and readmitted. "Many times the information about which benefit period the patient is in is not 'uncovered' until some days after the start of care," Person tells **Eli**. "The patient and family are confused about the discharge and admission process, the hospice may keep the patient on hospice care but cannot bill for those days and incurs considerable paperwork burden with the readmission process."

Help may be on the way. CMS says it will issue a transmittal on how to handle hospice billing when the face-to-face physician encounter hasn't taken place as required.

Hospices are very confused about how to handle billing when the third-benefit period F2F encounter slips through the cracks, said one hospice caller in the May 25 Open Door Forum for home care providers. Hospices can't seem to get clear answers from their Medicare contractors on the issue either, she said.

CMS has received questions on this topic and is working on a CR transmittal addressing the issue, reported CMS's **Randy Thronset** in the forum. The CR will stress that the patient can't be on the Medicare hospice benefit without the F2F visit, because it's required to determine eligibility, Thronset said.

Hospices are hoping to find answers to their questions in the forthcoming document. For example, hospices are wondering if they should use the advance beneficiary notice (ABN) form in cases where they have to discharge from Medicare due to the F2F, Person says. And they don't know what to do about the nursing home contract and the room

and board payments for patients who are discharged, she adds.

Watch out: Providing services free of charge while the patient awaits their F2F visit could land you in hot water compliance-wise. "The provision of free services is, of course, prohibited by the [**HHS Office of Inspector General**], if the value of the free services exceeds \$10 at a time or \$50 in a calendar year," points out Washington, D.C.-based health care attorney **Elizabeth Hogue**.

Note: CMS's 11-page F2F presentation is at www.cms.gov/Hospice/Downloads/HospiceFace-to-FaceGuidance.pdf.