

Eli's Hospice Insider

Hospice News: Your Potential Source Pool For Drug Orders Just Got A Little Deeper

Newly issued regulation addresses PA issue.

The latest Physician Fee Schedule final rule will bring some relief for a longstanding problem for hospices.

The **Centers for Medicare & Medicaid Services** has finalized its proposal to permit a hospice to accept drug orders from a physician assistant, in addition to a physician and nurse practitioner. The PA must be "an individual acting within his or her state scope of practice requirements and hospice policy," notes the 2020 PFS rule published in the Nov. 15 Federal Register. And "the PA must be the patient's attending physician, and ... he or she may not have an employment or contractual arrangement with the hospice," the rule adds.

The change is good news because while the Bipartisan Budget Act of 2018 "permits physician assistants to serve as attending physicians for hospice patients, the existing hospice conditions of participation only permit hospices to accept prescription orders from physicians and nurse practitioners," the **National Association for Home Care & Hospice** notes in a message to members.

While CMS cuts that bit of red tape, it leaves another intact. Multiple commenters "suggested that hospices should be allowed to accept orders from PAs employed by or under arrangement with the hospice," the final rule notes.

CMS shoots down that idea because "such piecemeal inclusion without complementary regulations to establish the scope of PA services in hospices may create patient safety and program vulnerabilities," the agency maintains in the PFS rule. "It is clear from the comments that a notable portion of the physician assistant and hospice communities view the role of the physician assistant as an acceptable substitute for hospice physicians, which is not in accordance with current statutory provisions. We believe that this disconnect between public perception of the role of the PA and the requirements of the statute necessitates rulemaking to clearly set forth what is and is not permissible."

The 996-page final rule is at www.federalregister.gov/d/2019-24086.