

Eli's Hospice Insider

Notice of Election: Know Your Patient's Rights: Does Your NOE Pass Muster?

Don't let these four common errors trip up your claims.

Are you sure your notice of election statement covers all the bases? The Office of Inspector General's (OIG) Fall 2009 report found that that 33 percent of the hospice claims it examined didn't meet notice of election requirements. Make sure you're not missing one of the five vital pieces of information that your NOE must cover.

Know The Five Rights

Your NOE statement must contain the following information -- sometimes called the "five rights of hospice patients"-- according to the publication *Hospices Alerted to the Importance of a Valid Notice of Election for the Medicare Hospice Benefit* from Milwaukee-based

Reinhart Boerner Van Deuren

Attorneys at Law:

- Identification of the particular hospice that will provide care to the individual
- The individual's acknowledgement that he or she has been given a "full understanding of the palliative rather than curative nature of hospice care, as it relates to the individual's terminal illness."
- Acknowledgement that certain Medicare services are waived by the election.
- The effective date of the election, which may be the first day of hospice care or a later date, but may be no earlier than the date of the election statement.
- The dated signature of the individual (or the individual's authorized representative if the individual is incapacitated).

Avoid Four Common Errors

While your NOE statement doesn't need to conform to any specific format, it must all the required elements in a clearly understandable fashion to be considered valid, **Palmetto, GBA** advises in the article *Common Technical Hospice Medical Review Denials and How to Avoid Them*.

Tip: If the acknowledgement of understanding of hospice care or the acknowledgement of waiving of the certain Medicare benefits fall on different pages, send in both pages to medical review to support a valid NOE statement, Palmetto suggests.

Palmetto's article lists the following common problems with NOE statements:

- No statement indicating the beneficiary fully understands the palliative rather than curative statement of the hospice benefit present in the medical record sent for review.
- No effective date present in the medical record sent for review.
- No waiver of certain Medicare benefits present in the medical record sent for review.

- The particular name of the individual hospice providing care is not identified. If the hospice belongs to a corporation or some other entity that has a different name, ensure the name of the particular hospice providing care is on the signed statement.

You may find your claims denied if your "patient's NOE statement is lacking, regardless of the fact that clinically appropriate care was provided to the patient," Reinhart, Boerner, and Van Deuren caution in the article *A Small Technical Mistake Can Lead to Big Medicare Claim Denials*.

Hospices most often miss the mark in documenting the patient's acknowledgement that he has an understanding of the palliative rather than curative nature of hospice care or the patient's acknowledgement that certain Medicare services are waived by hospice election, the article points out.

Mistake: Rework your NOE form to try to "soften" the language and you may inadvertently remove one of these required elements in the NOE statement, Reinhart, Boerner, and Van Deuren cautions. If your RHHI decides that your NOE statement is faulty, you could be facing a slew of claim denials.

Read the Reinhart, Boerner, and Van Deuren publications here:

www.reinhartlaw.com/Publications/Documents/ea060801HC.pdf and here:

www.reinhartlaw.com/Publications/Documents/ea080201HCHosp.pdf