

Eli's Hospice Insider

Regulations: Be Ready To Benefit From Physician Assistant Change In The New Year

CMS updates Medicare manual.

The regulatory language regarding the hospice physician assistant changes taking effect Jan. 1, hospice cap calculation changes, and more now are officially on the books.

Reminder: As finalized in the calendar year 2019 final rule for hospice payment, PAs can act as hospice attending physicians starting Jan. 1, 2019. (Correction: The PA change takes effect Jan. 1, not Oct. 1 as stated in an earlier issue of Eli's Hospice Insider.)

"Medicare will pay for medically reasonable and necessary services provided by PAs to Medicare beneficiaries who have elected the hospice benefit and who have selected a PA as their attending physician," said the final rule published in the Aug. 8, 2018 Federal Register. "PAs are paid 85 percent of the fee schedule amount for their services as attending physicians."

However, "since PAs are not physicians ... they may not act as medical directors or physicians of the hospice or certify the beneficiary's terminal illness," the rule specified. "And hospices may not contract with a PA for their attending physician services."

The **Centers for Medicare & Medicaid Services** claimed in the rule that it was prevented by statute from allowing PAs to perform certs (see Eli's HCW, Vol. XXVII, No. 30).

NOE: Another Medicare manual addition addresses retroactive Medicare entitlement and Notices of Election. Retroactive entitlement "qualifies as one of the exceptions to a timely-filed NOE as this would be a circumstance that is beyond the hospice's control," the manual now reads.

The exception isn't automatically granted, however. "In the event of retroactive Medicare entitlement, the hospice would submit a request for an exception, which would waive the consequences of filing the NOE late," the manual says. The hospice must be able to provide the following documentation to Medicare contractors and/or CMS, if requested: (1) Proof of retroactive Medicare entitlement; (2) valid certification of terminal illness; and (3) a valid hospice election statement.

The Medicare manual changes, which also address cap calculation, cap year time periods, and inpatient care cap calculation, are at www.cms.gov/Regulations-and-Guidance/Guidance/Transmittals/2018Downloads/R246BP.pdf.