

Eli's Hospice Insider

Regulations: Know What PAs Can ☐ And Can't ☐ Do Under Regulatory Change

Give up your hopes for easier certs and face-to-face encounters.

The Physician Assistant regulatory change mandated by BBA '18 may not be all hospices hoped for, but it's better than nothing.

Thanks to a provision enacted in the Bipartisan Budget Act of 2018 earlier this year, "effective January 1, 2019, physician assistants (PAs) will be recognized as designated hospice attending physicians, in addition to physicians and nurse practitioners," notes **the Centers for Medicare & Medicaid Services** in the rule published in the May 8 Federal Register.

Starting next year, "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," the rule continues. However, "attending physician services provided by PAs may be separately billed to Medicare only if the PA is the beneficiary's designated attending physician, services are medically reasonable and necessary, services would normally be performed by a physician in the absence of the PA, whether or not the PA is directly employed by the hospice, and services are not related to the certification of terminal illness," the rule says.

"There will be some providers that will benefit from the allowance of physician assistants to serve as the patient's attending physician," expects **Carrie Cooley** with **Weatherbee Resources** in Hyannis, Massachusetts.

The **National Association for Home Care & Hospice** cheers the implementation of the change which it has "long advocated," it says in its member newsletter.

But while PAs will be able to take over some physician duties, there are other key ones they will not be allowed to perform. "Since PAs are not physicians ... they may not act as medical directors or physicians of the hospice or certify the beneficiary's terminal illness and hospices may not contract with a PA for their attending physician services," CMS specifies in the rule.

"The Bipartisan Budget Act of 2018 did not make changes to which practitioners can certify terminal illness for a Medicare beneficiary nor who may perform the face-to-face encounter," CMS underscores in the rule. "No one other than a medical doctor or doctor of osteopathy can certify or re-certify terminal illness. PAs were not authorized by [BBA' 18] to perform the required hospice face-to-face encounter for recertifications."

The law "continues to state that only a hospice physician or a hospice nurse practitioner can perform the encounter," the rule continues. "The regulations ... will continue to state that the hospice face-to-face encounter must be performed by a hospice physician or hospice nurse practitioner."

For the duties that a PA may perform, remember that Medicare will pay 85 percent of the Medicare physician fee schedule rate, notes consulting firm **The Health Group** in Morgantown, West Virginia, in its electronic newsletter.