

Eli's Hospice Insider

Regulations: Will Hospice Face-To-Face Change Ease Your Burden?

CMS proposes loosening up who can make the F2F visit for hospice patients.

Your hospice face-to-face regulatory load should get a little lighter if a recent Medicare proposal is finalized.

The **Centers for Medicare & Medicaid Services** proposes "to remove the limitation that requires the hospice physician who performs the face-to-face encounter and attests to that encounter be the same physician who certifies the patient's terminal illness," the agency says in a release.

The new regulations would read: "The attestation of the nurse practitioner or a non-certifying hospice physician shall state that the clinical findings of that visit were provided to the certifying physician for use in determining continued eligibility for hospice care," according to the proposed payment rule for 2012 published in the May 9 Federal Register.

The change comes "as a result of stakeholder concerns," CMS says in the rule.

Hospices have been "a nervous wreck" about this issue, says **Judi Lund Person** with the **National Hospice and Palliative Care Organization**. They've been confused about apparent contradictions between the final rule's preamble and the regulatory language for hospice F2F regs.

Before this proposal, hospices were asking CMS why a nurse practitioner could conduct the F2F visit and report her findings to the certifying physician, but another physician couldn't, Person indicates. Home health agencies have raised the same question, but CMS reps have replied that the language of the Affordable Care Act prohibits it for HHAs. The same is not true for hospices, Person clarifies.

Bottom line: "We propose that any hospice physician can perform the face-to-face encounter regardless of whether that physician recertifies the patient's terminal illness and composes the recertification narrative," the rule says.

The change should be "very, very helpful," Person cheers.

CMS also proposes to change F2F regulatory language to make clear that the encounter must occur before the third benefit period begins.

The changes should benefit hospices. "By allowing for some flexibility and clarification within the face-to-face encounter rule for hospice care, caregivers and patients can better work together to meet the requirement with as little disruption to care as possible," praises the **National Association for Home Care & Hospice's Val Halamandaris**.

The rule also specifies that NPs who conduct the F2F encounter must be hospice employees -- meaning they receive W2s or are volunteers for the hospice.

"NAHC continues to have concerns that applying this definition to NPs who are eligible to conduct the face-to-face encounter will place unnecessary limitations on NPs who hospice programs could utilize to perform the encounters," the trade group says.