



Updated Hospice Regulations Become Effective October 1

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The updates to the Centers for Medicare & Medicaid Services (CMS) regulations for hospice providers become effective on October 1, 2014. FY 2015 Hospice Wage Index and Payment Rate Update; Hospice Quality Reporting Requirements and Process and Appeals for Part D Payment for Drugs for Beneficiaries Enrolled in Hospice, 79 Fed. Reg. 50,451 (Aug. 22, 2013); see also CMS Manual System, Transmittal 3032 (Aug. 22, 2014). There are many changes to the rules, but two documentation changes which must be in place by October 1 are especially important: (1) quicker timeframes for submitting the Notice of Election and the Notice of Discharge/Revocation of Hospice; and (2) new documentation requirements to track patients' attending physician more closely.

Timeframes for Filing the Notice of Election and Notice of Discharge:

Beginning October 1, 2014, hospice providers must file the Notice of Election (NOE) with the Medicare contractor within 5 *calendar* days after the effective date of the election. 42 C.F.R. § 418.24. If hospices do not file the NOE within 5 calendar days of the election, Medicare will not pay for and the provider is liable for the days of hospice care from the effective date of election to the date of filing of the NOE. The exceptions to the rule are very limited and include fires, floods, CMS or Medicare contractor system failure, and "other situations determined by CMS to be beyond the control of the hospice." *Id.*

Similarly, when a patient is discharged or revokes the hospice election, the hospice must file a Notice of Termination/Revocation of Election with its Medicare Contractor within 5 *calendar* days of the effective date of discharge or revocation unless the hospice has already filed a final claim for the beneficiary. 42 C.F.R. §§ 418.26, 418.28.

Documentation of the Patient's Attending Physician:

Also beginning on October 1, Elections of Benefit must include an identification of the attending physician that will provide care to the individual. 42 C.F.R. § 418.24. The individual or the individual's representative must also acknowledge on the Election of Benefits that the identified attending physician was his or her choice.

The hospice must continue to keep records of any changes to the attending physician throughout the patient's stay. To change the designated attending physician, the individual (or representative) must file a signed statement with the hospice that states that he or she is changing his or her attending physician. The statement must identify the attending physician, include the date the change is to be effective and the date signed by the individual or representative, and acknowledge that the change is due to the individual's choice.

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