CMS Releases Updated Hospice Medicare Manual including New Policy on Face-To-Face Encounters in Exceptional Circumstances

On March 2, 2011, CMS issued formal manual guidance that included responses to issues raised by VNAA and others on the hospice face-to-face encounter requirements. The Medicare Benefit Policy Manual, Pub 100-02 Chapter 9 was also revised to incorporate other existing hospice policy in addition to the new face-to-face encounter requirements that were mandated by the Affordable Care Act.

To view the revised Medicare Manual, including other updates to existing hospice policy, visit http://www.cms.gov/transmittals/downloads/R141BP.pdf.

The VNAA has compiled a summary of the face-to-face requirements including new exceptional circumstances policy that were outlined in the Medicare Manual:

Requirements:

- For recertification on or after January 1, 2011, a hospice physician or hospice nurse practitioner must have a face-to-face encounter with each hospice patient prior to the beginning of the patient’s third benefit period.
- The face-to-face encounter also must occur prior to each subsequent benefit period.
- Failure to meet the face-to-face encounter requirements results in failure by the hospice to meet the patient’s recertification of terminal illness eligibility requirement. The patient would cease to be eligible for the benefit.

Timeframe:

- The encounter must occur no more than 30 calendar days prior to the start of the third benefit period and no more than 30 calendar days prior to every subsequent benefit period thereafter.

Attestation:

- A hospice physician or nurse practitioner who performs the encounter must attest in writing that he or she had a face-to-face encounter with the patient, including the date of the encounter.
- The attestation and signature and the date signed must be a separate and distinct section of, or an addendum to, the recertifying form and must be clearly titled.
- If a nurse practitioner performed the encounter, the attestation must state that the clinical findings of the visit were provided to the certifying physician.

Updated on March 3, 2011
Eligible Practitioners:

- A hospice physician or a hospice nurse practitioner must perform the encounter.
- A hospice physician is a physician who is employed by the hospice or working under contract with the hospice.
- A hospice nurse practitioner is a nurse practitioner who is employed by the hospice.

Exceptional Circumstances for Patients in Third Benefit Period or Later:

- If the patient is a newly admitted patient in their third benefit period or later and is an emergency weekend admission, it may be impossible for a hospice physician or hospice nurse practitioner to see the patient until the following Monday. In this case, a face-to-face encounter that occurs within two days after admission will be considered to be timely.
- If the patient is newly admitted in their third benefit period or later and the CMS data system is unavailable, the hospice may be unaware that the patient is in the third benefit period. In this case, a face-to-face encounter, which occurs within two days after admission, would be considered to be timely.
- For the above documented exceptional cases, if the patient dies within two days of admission without a face-to-face encounter, a face-to-face encounter is deemed to be complete.
- Documentation of the exceptional circumstances is required for this exception.