

## **CMS Revises Hospice Certifying Physician Enrollment Requirement Implementation Guidance**

*To: NHPCO Provider and State Members*

*From: NHPCO Regulatory Team*

*Date: June 7, 2024*

On June 6, 2024, in response to concerns raised by NHPCO and NAHC, CMS retracted its guidance indicating that any individual who elects to receive hospice services in a subsequent hospice election would need to be certified as if entering hospice in the initial benefit period. As we shared in our [member alert](#) yesterday, this guidance, published in a Hospice Certifying Enrollment Questions and Answers (Q & A) Document, contradicted Section 1814(a)(7) of the Social Security Act (SSA) and regulations at 42 C.F.R. § 418.22(c)(2). The SSA and regulations indicate that the attending physician must only certify a patient's terminal illness for the initial hospice Medicare benefit period; and that only one physician, not both the attending and hospice physician, must provide this certification for subsequent benefit periods. See our [statement](#) in response.

### **Prior Guidance:**

**Q:** Does this certification requirement also apply regarding beneficiaries who had been previously discharged during a benefit period and are being certified for hospice care again to begin in a new benefit period?

**A:** Yes. Any individual who revoked, or was previously discharged from, the hospice benefit, and then reelects to receive the hospice benefit in the next available benefit period, will need to be certified as if entering the program in an initial benefit period---and the certifying physician(s) must be enrolled or opted-out as specified above.

### **Revised Guidance:**

**Q:** Does this new requirement change who can certify for hospice services?

**A:** Except for the new enrollment or opt-out requirement, nothing is changing under 42 CFR § 418.22 regarding who may certify the patient's terminal illness.

This retraction ensures alignment with existing law and regulations, alleviating confusion among hospice providers, Medicare Administrative Contractors (MACs), and electronic medical record (EMR) vendors. View the [updated Q&A Document](#).

### **Next Steps:**

While we appreciate CMS's immediate response to our concerns, NHPCO and NAHC will continue to engage with the agency on outstanding issues associated with the implementation of the physician enrollment requirement. To support our members' efforts to navigate through remaining inconsistencies in certifying physician enrollment regulatory guidance, NHPCO and NAHC developed a [Physician Enrollment Requirement FAQ and Guidance tool](#).

As we shared in our [prior alert](#), NHPCO and NAHC are also hosting a joint webinar on June 18 to review the current implementation status of implementation, share what we know, insights on initial challenges and best practices, and address common questions.

**Navigating the Hospice Certifying Physician Enrollment Requirements: Latest Updates and Q&A**

June 18, 2024

3:30 – 4:30 p.m. ET

[Register Here](#)

We will provide additional updates to members as information becomes available. Please direct questions to [Regulatory@nhpco.org](mailto:Regulatory@nhpco.org).

-###-