

Update: Hospice Certifying Physician Enrollment Requirement

To: NHPCO Provider and State Members
From: NHPCO Regulatory Team
Date: June 6, 2024

As of June 3, 2024, the certifying physician enrollment requirement is now in effect. Under this Medicare payment requirement, a physician must be enrolled in or validly opted out of Medicare in order to certify a beneficiary's terminal illness. As [previously reported](#), the Centers for Medicare and Medicaid Services (CMS) delayed implementation of the hospice certifying physician enrollment/opt-out requirement from May 1 until June 3, 2024. During the delay period, NHPCO and the National Association for Home Care & Hospice (NAHC) have continued to communicate with CMS regarding outstanding questions and requests for clarification about claims completion and the claims processing edits. We are also in ongoing communication with the Medicare Administrative Contractors (MACs), as they too have concerns about the implementation of the edits.

CMS recently updated the [Hospice Certifying Enrollment Q&As](#) with additional detail about how claims are to be completed and how the edits are applied. At this time, CMS has not corrected or clarified the discrepancies we have identified between the Hospice Certifying Enrollment Q&As and the Claims Processing Manual. CMS though has specified, however, that the policies in the Q&A document supersede those in the March 26, 2024 updates to the [Hospice Certification Requirements](#) of the MLN Payment Processing publication. Due to the remaining inconsistencies in guidance from CMS, NHPCO and NAHC have developed a [Physician Enrollment Requirement FAQ and Guidance tool](#). NHPCO and NAHC are also hosting a joint webinar on June 18 to review the current implementation status of the edit, 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 continue to engage with CMS on the outstanding inconsistencies. Of greatest concern is CMS' answer in the second Q&A of the Hospice Certifying Enrollment Q&A document:

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 recertified as if entering the program in an initial benefit period---and the certifying physician(s) must be enrolled or opted-out as specified above.

This answer directly contradicts Section 1814(a)(7) of the Social Security Act (SSA) and regulations at 42 C.F.R. § 418.22(c)(2). Specifically, Section 1814(a)(7) of the SSA indicates 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. Section 418.22(c)(2) of Title 42 of the Code of Federal Regulations reiterates this fact. We have requested that CMS retract this statement to remain consistent with regulation and statute.

At this time, the key to ensuring claims are processed and paid in accordance with CMS requirements is to:

- **Ensure that the Attending Physician field on the claim contains the NPI of a physician (MD or DO) that is enrolled or validly opted out.**
- **Utilize occurrence code 27 on all claims. While voluntary for claims that do not encompass the initial certification or recertification date, the use of occurrence code 27 is necessary for the edit to check physician enrollment status on the dates of certification and recertification only; otherwise, the edit will utilize the “From” date of the claim.**

We will provide additional updates to members as information becomes available. Please direct questions to Regulatory@nhpco.org.

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