

CMS Revises Hospice Certifying Physician Enrollment Requirement Implementation Guidance

Source: NAHC, June 7, 2024

- **Coming webinar: Navigating the Hospice Certifying Physician Enrollment Requirements: Latest Updates and Q&A**
- **June 18, 2024 at 3:30 – 4:30 p.m. ET**
- **[REGISTER FOR THIS WEBINAR](#)**

On June 6, 2024, in response to concerns raised by NAHC and NHPCO, the Centers for Medicare & Medicaid Services (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 [reported](#) 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, NAHC and NHPCO 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, NAHC and NHPCO developed a [Physician Enrollment Requirement FAQ and Guidance tool](#).

As we shared previously, NAHC and NHPCO 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.