

Hospice Face-to-Face Encounter Requirement

(12/28/2010)


Section 3131(b) of the Affordable Care Act of 2010 (ACA) requires a hospice physician or Nurse Practitioner (NP) to have a face-to-face encounter with every hospice patient prior to the patient's 180-day recertification and each subsequent recertification. **The provision applies to recertifications on or after January 1, 2011.**

In the Home Health Prospective Payment System (HH PPS) rate update for Calendar Year (CY) 2011, CMS finalized its implementation approach for this hospice provision. The Final Rule, codified at 42 CFR 418.22(a)(4) (75 *Federal Register* 70463, November 17, 2010), states that the encounter must occur no more than 30 calendar days prior to the start of the hospice patient's third benefit period.

The regulation requires that:

- The hospice physician or NP must attest that the encounter occurred.
- The recertifying physician must include a narrative that describes how the clinical findings of the encounter support the patient's terminal prognosis of six months or less.
- Both the narrative and the attestation must be part of, or an addendum to, the recertification.

Although many hospices are aware of and are able to comply with this policy, CMS is concerned that some hospices may need additional time to establish operational protocols necessary to comply with this new law. CMS expects that during the first quarter of CY 2011, hospices will establish internal processes to ensure compliance. Beginning with the second quarter of CY 2011, hospices will have fully established their internal processes and CMS will expect appropriate documentation of the encounter.

CMS will address industry questions concerning the new requirement on the [Hospice Center Web page](#)  as well as use other channels to communicate with providers to ensure information is widely distributed.

(CMS Joint Signature Memorandum (JSM) 11112, dated December 23, 2010)