



SENIOR & LONG TERM CARE DIVISION COMMUNITY SERVICES BUREAU Medicaid Hospice Policy Manual

Title: Hospice Policy 403
Section: ELIGIBILITY FOR SERVICES
Subject: Certification of Terminal Illness
Reference: ARM 37.40.808, 42 CFR 418.22
Supersedes: Policy 403, October 1, 2018

CERTIFICATION OF TERMINAL ILLNESS

➤ For the first 90-day period of hospice coverage, the hospice must obtain, no later than two calendar days after hospice care is initiated, (that is, by the end of the third day), oral or written certification of the terminal illness by the medical director of the hospice or the physician member of the hospice Interdisciplinary Group (IDG), and the individual's attending physician if the individual has an attending physician.

No one other than a medical doctor or doctor of osteopathy can certify or re-certify an individual as terminally ill, meaning that the individual has a medical prognosis that his or her life expectancy is six months or less if the illness runs its normal course. Nurse practitioners and physician assistants cannot certify or re-certify an individual as terminally ill. In the event that a beneficiary's attending physician is a nurse practitioner or a physician assistant, the hospice medical director or the physician member of the hospice IDG certifies the individual as terminally ill.

Hospice providers must obtain written certification of terminal illness for each hospice benefit election period.

Certification must be obtained even if a single election continues in effect for an unlimited number of periods.

The hospice must obtain the written certification before it submits a claim for payment except in the following circumstances:

1. If the hospice cannot obtain the written certification within two calendar days, after a period begins, it must obtain an oral certification within two calendar days and the written certification before it submits a claim for payment.

2. Certifications may not be completed more than fifteen calendar days prior to the effective date of hospice election.
3. Recertification may not be completed more than fifteen calendar days prior to the subsequent benefit period.

Face-to-Face (F-T-F) ENCOUNTERS

➤A hospice physician or hospice nurse practitioner must have an F-T-F encounter with each hospice member whose total stay across all hospices is anticipated to reach the third benefit period.

NOTE: Physician Assistants may not perform the F-T-F encounter.

The F-T-F encounter must occur prior to, but no more than 30 calendar days prior to:

1. Third benefit period recertification, and
2. Every benefit period recertification thereafter.

The F-T-F encounter will be used to gather clinical findings to determine continued eligibility for hospice care.

Hospice may conduct F-T-F encounters as part of the certification process.

Failure to meet the F-T-F encounter requirements specified in this section results in a failure by the hospice to meet the member's recertification of terminal illness eligibility requirement.

CONTENT OF CERTIFICATION

Certification will be based on the attending physician or medical director's clinical judgement regarding the normal course of the member's illness. The certification must conform to the following:

1. The certification must specify that the member's prognosis is for a life expectancy of six months or less if the illness runs its normal course;
2. Clinical information and other documentation that supports the medical prognosis must accompany the certification and must be filed in the medical record with the certification.

NOTE: Initially the clinical information must be provided verbally, and must be documented in the

medical record and included as part of the hospice's eligibility assessment.

3. The physician must include a brief narrative explanation of the clinical findings that supports a life expectancy of six months or less as part of the certification and recertification forms, or as an addendum to the certification and recertification forms:
 - a. If the narrative is part of the certification or recertification form, then the narrative must be located immediately prior to the physician's signature;
 - b. If the narrative exists as an addendum to the certification or recertification form, in addition to the physician's signature on the certification or recertification form, the physician must also sign immediately following the narrative in the addendum;
 - c. The narrative shall include a statement directly above the physician's signature attesting that by signing, the physician confirms that the physician composed the narrative based on his/her review of the member's medical record or, if applicable, the physician's examination of the member;
 - d. The narrative must reflect the member's clinical circumstances and cannot contain check boxes or standard language used for all members; and
 - e. The narrative associated with the third benefit period recertification and every subsequent recertification must include an explanation of why the clinical findings of the F-T-F encounter support a life expectancy of 6 months or less.
4. The physician who performs the F-T-F encounter with the member must attest in writing that he or she has a F-T-F encounter with the member, including the date of the visit;

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5. The attestation of the non-certifying hospice physician shall state that the clinical findings of that visit were provided to the certifying physician for use in determining continued eligibility for hospice care; and
6. All certifications and recertifications must be signed and dated by the physician(s), and must include the benefit period dates to which the certification or recertification applies.

SOURCES OF CERTIFICATIONS

For the initial 90-day period, the hospice must obtain written certification statements (and oral certification statements if required) from:

1. The medical director of the hospice or the physician member of the hospice interdisciplinary group; and
2. The member's attending physician, if the member has an attending physician. The attending physician must meet the definition of physician specified in 37.40.801, (Refer to Hospice Policy 003).

For subsequent periods, the only requirement for certification is by one of the physicians specified.

MAINTENANCE OF RECORD

Hospice staff must:

1. Make an appropriate entry in the member's medical record as soon as they receive an oral certification; and
2. File written certifications in the medical record.