



SENIOR & LONG TERM CARE DIVISION

COMMUNITY SERVICES BUREAU

Medicaid Hospice Policy Manual

Title: Hospice Policy 404
Section: ELIGIBILITY FOR SERVICES
Subject: Election of Hospice Care
Reference: ARM 37.40.701, 42 CFR 484.32
Supersedes: Policy 404, July 1, 2018

FILING AN ELECTION STATEMENT

A patient who meets the eligibility requirement for Medicaid Hospice may file an election statement with a particular hospice. If the patient is physically or mentally incapacitated, his or her representative may file the election statement.

NOTICE OF ELECTION (NOE)

The hospice chosen by the eligible patient (or his or her representative) must file the Notice of Election (NOE) with the Department within five calendar days after the effective date of the election statement.

CONSEQUENCES OF FAILURE TO SUBMIT A TIMELY NOTICE OF ELECTION

When a hospice does not file the required NOE for its Medicaid patients within five calendar days after the effective date of election, Medicaid will not reimburse for days of hospice care from the effective date of election to the date of the filing of the accepted NOE. These days are a provider liability, and the provider may not bill the patient for them.

EXCEPTION TO THE CONSEQUENCES FOR UNTIMELY FILING OF THE NOE

The Department may waive the consequences of failure to submit a timely-filed NOE. The Department will determine if a circumstance encountered by a hospice is exceptional and qualifies for waiver of the consequence. A hospice must fully document and furnish any requested documentation to the Department for a determination of exception. An exceptional circumstance may be due to, but is not limited to the following:

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1. Fires, floods, earthquakes, or similar unusual events that inflict extensive damage to the hospice's ability to operate;
2. A Department system issue that is beyond the control of the hospice;
3. A newly Medicaid-certified hospice that is notified of that certification after the Medicaid certification date, or which is awaiting its user ID from the Department; or
4. Other situations determined by the Department to be beyond the control of the hospice.

CONTENT OF ELECTION STATEMENT

The Content of Election Statement must include the following:

1. Identification of the particular hospice and of the attending physician that will provide care to the patient. The patient or representative must acknowledge that the identified attending physician was his or her choice;
2. The patient's or representative's acknowledgement that he or she has been given a full understanding of the palliative rather than curative nature of hospice care, as it relates to the patient's terminal illness;