



Related MLN Matters Article #: MM3226

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### *MMA- Nurse Practitioners as Attending Physicians in the Medicare Hospice Benefit*

#### Key Words

MM3226, CR3226, R304CP, Nurse, Practitioner, Hospice, Hospice Benefit, Attending, Physician, GV, Modifier, Claims, NOE

#### Provider Types Affected

Nurse practitioners, hospices billing Medicare Fiscal Intermediaries (FIs), Medicare Local Part B Carriers, or Regional Home Health Intermediaries (RHHIs)

#### Key Points

- The effective date of instruction is December 8, 2003.
- The implementation date for this instruction is as follows:
  - June 28, 2004, for providers who bill Local Part B carriers;
  - For providers billing intermediaries, use of the GV modifier is also to be implemented on June 28, 2004; and
  - October 4, 2004, for other intermediary requirements.
- Section 408 of the Medicare Prescription Drug Improvement and Modernization Act of 2003 adds nurse practitioners to the definition of an attending physician for beneficiaries who have elected the hospice benefit.
- Beginning December 8, 2003, Medicare pays for services provided by nurse practitioners to Medicare beneficiaries who have elected the hospice benefit and have selected a nurse practitioner as their attending physician, with the exception of certifying the terminal illness with a prognosis of six months or less, if the illness runs its usual course.
- A physician will be required to certify the terminal illness and six-month prognosis.
- Hospice agencies will bill their RHHI for attending physician services performed by a nurse practitioner employed by or under contract to the hospice agency.
- Nurse practitioners providing attending physician services, who are not employed by or under contract with a hospice agency, will bill the Medicare Local Part B carrier.

- Medicare Local Part B carriers and intermediaries will pay for attending physician services rendered by nurse practitioners on or after December 8, 2003, at the lesser of actual charges or 85% of the physician fee schedule.
- Medicare Carriers have been instructed to search for and reopen denied claims for professional services of nurse practitioners serving as the hospice beneficiary's attending physician that were billed with the GV modifier and where the services were furnished on or after December 8, 2003.
- Medicare carriers will not reopen claims where services were not billed with the GV modifier unless the nurse practitioner brings such claims to the attention of the carrier.
- If preferred, the nurse practitioner can re-bill such services rendered on or after December 8, 2003, with the GV modifier in order to have the claims reprocessed.
- RHHs will accept all claims for attending physician services performed by a nurse practitioner in a hospice on or after December 3, 2003.
- Hospice agencies are no longer required to submit copies of Notices of Election (NOE) to Medicare carriers.
- When billing RHHs, the hospice agency should continue submitting the NOEs to the RHHs.

### Important Links

The related MLN Matters article can be found at

<http://www.cms.hhs.gov/MLNMattersArticles/downloads/MM3226.pdf> on the CMS website.

The official instructions (CR3226) issued can be found at

<http://www.cms.hhs.gov/Transmittals/downloads/R304CP.pdf> on the CMS website.