

## Palmetto GBA Hospice Notice of Election (NOE) Video Script

Thank you for your interest in learning more about notice of election process for the Medicare hospice benefit. I'm Dan George and I'm a Senior Provider Relations Representative with Palmetto GBA's Provider Outreach and Education team. I enjoy sharing educational information that can help providers like you strengthen the Health Information Supply Chain. As we all know, a chain is only as strong as its weakest link. At Palmetto GBA, our goal is to deliver clear, concise educational information that will help you improve compliance with the Medicare program.

Let's get started with today's topic. When a Medicare beneficiary elects hospice services, the hospice must complete an election notice with the beneficiary and file a notice of election or N-O-E with Medicare. Starting on October 1, 2014, Medicare implemented the requirement that hospices must file a NOE within 5 calendar days after the date of the hospice election notice.

Not only does the NOE need to be submitted, it also needs to be accepted by the Medicare claims system. Let me explain, for a NOE to be accepted, it must be free of any billing and keying errors, this is what is called a clean submission. If an NOE is returned to the provider (RTP'd) for correction, it will receive a new received date when it is resubmitted to Medicare. This new date will now be used to establish timely filing in regards to the 5 day requirement.

In instances where a NOE is not filed within 5 calendar days, Medicare will not cover and pay for the days of hospice care from the hospice admission date to the date the NOE is submitted to, and accepted by, the Medicare. The provider will be liable for these days, and will not be allowed to bill the beneficiary for them.

Let me provide an example of the actions that must be taken for a timely NOE as compared to an untimely NOE submission.

- If the beneficiary signs an election notice on April 1<sup>st</sup>,
  - the NOE is due to Medicare on April 6<sup>th</sup>.
- If the clean NOE is received on or before April 6<sup>th</sup>, it is timely.
- If the NOE is received on April 9<sup>th</sup>, it is untimely and
  - the hospice shall report April 1<sup>st</sup> through April 8<sup>th</sup> as non-covered days using occurrence span code 77 on the associated claim.
  - If the days are not reported as non-covered, the claim will be RTP'd.

If you fail to file a timely NOE, you may request an exception which, if approved, will waive the consequences of failing to file a complete and timely NOE. There are four circumstances that may qualify the hospice for an exception for filing a late NOE:

1. Fires, floods, earthquakes, or other unusual events that inflict extensive damage to the hospice's ability to operate;

2. An event that produces a data filing problem due to a CMS or MAC systems issue that is beyond the control of the hospice;

3. A newly Medicare-certified hospice that is notified of that certification after the Medicare certification date, or which is awaiting its user ID from its MAC; or,

4. Other circumstances determined by the MAC to be beyond the hospice's control.

If one of the four circumstances just described prevents you from filing your NOE within the time requirements, you may submit the associated claim requesting an exception. To request the exception:

- File the associated claim with occurrence span code 77 (non-covered, provider liable days).
- Report a KX modifier with the Q HCPCS code reported on the earliest dated level of care line on the claim and
- Provide the reason, with evidence, why you believe an exception should be granted.

Please remember that if a hospice patient is discharged alive or if a hospice beneficiary revokes the election of hospice care, you must file a Notice of Termination/Revocation (NOTR) within 5 calendar days after the effective date of a beneficiary's discharge or revocation, unless you have already filed a final claim. Keep in mind that hospice transfers and patients that die under the hospice benefit are not included in the 5 day billing regulations.

I hope you enjoyed this presentation. This is Dan George with Palmetto GBA signing off. See you next time!