

Notice of Election (NOE) Timely Filing and Exceptional Circumstance Guidelines

The following guidelines were developed in collaboration with the home health and hospice Medicare Administrative Contractors (MACs) CGS, Palmetto GBA, and National Government Services. These guidelines are to assist providers when hospice notice of election (NOE) required billing elements cause the NOE to be untimely.

Field on the NOE/Issue	Claims Processing System	Corrections and Outcomes
<p>MID (Required)</p> <p>NOE returned to provider for an invalid Medicare ID number</p>	<p>When an invalid Medicare ID number is entered on the Notice of Election (NOE), the Medicare claims processing system will return the NOE to the provider as not processable.</p>	<p>Action: The provider should submit a new NOE as soon as it is discovered that the Medicare ID number is incorrect to prevent an untimely filed NOE.</p> <p>A new NOE will process and finalize with the corrected information and the incorrect NOE will be returned to provider. Therefore, the provider should immediately submit a new NOE with the corrected Medicare ID number to prevent an untimely NOE.</p> <p>Outcome: An untimely NOE due to an incorrectly reported Medicare ID number will not meet for an exceptional circumstance. This issue is not caused by a claims processing delay, but is the result of incorrect information entered into the system.</p>
<p>MID (Required)</p> <p>Received the incorrect Medicare ID number from the beneficiary/caregivers</p>	<p>When an invalid Medicare Medicare ID number is entered on the Notice of Election (NOE), the Medicare claims processing system will return the claim to the provider as not processable.</p>	<p>Action: It is the responsibility of each hospice to verify the information received and check eligibility of the patient.</p> <p>A new NOE should be submitted as soon as it is discovered that the Medicare ID number submitted on the NOE is in error. If a new NOE is submitted within the five day timely filing this will prevent an untimely filed NOE. The NOE with the incorrect information should return to the provider.</p> <p>Outcome: An exceptional circumstance will not be granted when the provider has entered incorrect information.</p>
<p>MID (Required)</p> <p>Unable to obtain Medicare information from beneficiary, family or caregivers</p>		<p>Action: The hospice provider can utilize the Fiscal Intermediary Standard System (FISS)/Direct data entry (DDE) system or the myCGS secure portal to search for beneficiary information and eligibility. The myCGS portal also offers a Medicare Beneficiary Identifier (MBI) Lookup Tool. The provider should take all measures necessary to obtain the beneficiary's Medicare information.</p> <p>You may want to reach out to the referral source for additional information to assist with obtaining the information. Since verifying the eligibility is part of the requirement, the hospice must not admit the patient to the Medicare Hospice Benefit until all required information is received.</p> <p>Outcome: A late filed NOE exceptional circumstance will not be granted if the provider does not receive the necessary information from the beneficiary, his or her family and/or caregivers.</p>
<p>Type of bill (TOB)</p> <p>The TOB was entered incorrectly. For example, TOB 81A was entered and it should have been TOB 82A.</p>	<p>The system will accept the NOE with an incorrect TOB when the second digit in the number is a 1 or 2. For example TOB 81A or 82A</p>	<p>Action: If the type of bill (TOB) is incorrect the NOE does not and must not be cancelled and resubmitted. The first claim must have the correct TOB.</p> <p>For example an 81A is submitted and it should have been an 82A, the claim can be submitted as 82X.</p> <p>Outcome: A late filed NOE exceptional circumstance will not be granted if the provider cancels an NOE that was accepted by the system timely, and the provider cancelled the NOE to correct the 2nd digit code on the TOB.</p>

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<p>National Provider Identifier (NPI) Hospice Provider NPI is incorrectly entered</p>	<p>The Medicare claims processing system will not allow the NOE to be filed until a valid NPI number is entered.</p>	<p>Action: Correct the NPI or the system will not allow you to file the NOE.</p> <p>Outcome: An exceptional circumstance will not be granted if the provider has entered incorrect information.</p>
<p>Hospice National Provider Identifier (NPI) Entered the wrong hospice NPI # from the same group</p>	<p>The Medicare claims processing system will process a NOE with a valid NPI.</p>	<p>Action: The NOE must be cancelled and resubmitted with the correct NPI for the hospice agency providing the service.</p> <p>Outcome: An exceptional circumstance will not be granted if the provider has entered incorrect information.</p>
<p>STMT Dates (from) Required Incorrect information entered</p>	<p>An NOE with incorrect statement dates may return to the provider or may process and finalize.</p>	<p>Action: If the NOE processes and finalizes, the hospice must NOT cancel the NOE. The hospice must submit an NOE that corrects the “from” and “admit” date previously submitted in error. In this case, the hospice reports the correct election date in the “from” and “admit” date fields and reports the incorrect election date using occurrence code 56.</p> <p>If the NOE returns to the provider, the NOE will need to be corrected and resubmitted.</p> <p>Outcome: If the original NOE was submitted and the Medicare claims processing system processed it, the hospice should submit a new NOE to correct an election date previously submitted in error. Do NOT cancel the original NOE.</p> <p>The hospice reports the following on the new NOE:</p> <ol style="list-style-type: none"> 1. Condition code D0 (ensure that the number zero is entered) 2. Correct election date in the “from” and “admit” date fields 3. Original incorrect election date using occurrence code 56 4. Occurrence code 27 and the date of certification. This date must match the “from” and “admit” dates <p>The date the original NOE was received will be used to determine:</p> <ul style="list-style-type: none"> • If the original NOE was submitted timely and an exception will not need to be requested on the sequential claim(s), or • If the original NOE was late and an exception (if chosen) will need to be requested on the sequential claim(s) for the time period the original NOE was late <p>Additional Resources: Submitting a Hospice Notice of Election (NOE) TOB 8XA - https://www.cgsmedicare.com/hhh/education/materials/pdf/hospice_noe_tob8xa.pdf</p>

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Patient Data (required)		
<p>Beneficiary last name</p> <p>The beneficiaries last name is miss-spelled</p>	<p>The Medicare system will check the beneficiary's last name up to eight characters. If the beneficiary's last name is not spelled correctly the Medicare claims processing system will return the NOE to the provider.</p>	<p>Action: A new NOE should be submitted immediately with the corrected last name to prevent an untimely filed NOE.</p> <p>Outcome: A new NOE will process and finalize with the corrected information and the incorrect NOE must be returned to provider. This issue is not caused by a claims processing delay, but is the result of incorrect information entered into the system.</p> <p>There may be rare instances when the incorrect NOE does not return to the provider and finalizes prior to the corrected NOE processing. In this case, this may meet for an exceptional circumstance if:</p> <ol style="list-style-type: none"> 1. The original NOE was submitted timely 2. The corrected NOE was submitted within the five day timely filing 3. The incorrect NOE processed and finalized after the corrected NOE was submitted and this occurred within the five day timely filing; and 4. The incorrect NOE was cancelled within two business days of the date the NOE posted, and the corrected NOE was submitted within two business days of the date that the canceled NOE posted. <p>Additional Resources: Submitting Claims for Untimely Notices of Election (NOEs), http://www.cgsmedicare.com/hhh/education/materials/submitting_claims_untimely_noes.html</p>
<p>Beneficiary first name</p> <p>The beneficiaries first name is miss-spelled</p>	<p>The Medicare system will check the beneficiary's first initial of their first name. If the fist initial matches the beneficiary record, the system will finalize and post the NOE. If the first initial of the beneficiary's first name is not correct the Medicare claims processing system will return the NOE.</p>	<p>Action: When the incorrect NOE processes and finalizes the NOE will need to be cancelled and resubmitted with the correct beneficiary first name.</p> <p>Outcome: If the original NOE was submitted timely and the Medicare claims processing system processed and finalized the NOE, this may meet for an exceptional circumstance for timeliness if:</p> <ol style="list-style-type: none"> 1. The original NOE was submitted timely 2. The NOE processed and finalized outside the time frame the NOE could be canceled and resubmitted timely. 3. The incorrect NOE was cancelled within two business days of the date the NOE finalized, and a correct NOE was submitted within two business days of the date that the cancelation NOE finalized. <p>Additional Resources: Submitting Claims for Untimely Notices of Election (NOEs), http://www.cgsmedicare.com/hhh/education/materials/submitting_claims_untimely_noes.html</p>
<p>Date of birth</p> <p>Entered incorrectly on the NOE</p>	<p>The Medicare system will check the beneficiary's date of birth and match it to the first six letters of the last name and first initial of the first name. If an incorrect date of birth is reported on the NOE, the Medicare claims processing system will return the NOE to the provider.</p>	<p>Action: A new NOE must be submitted immediately with the correct beneficiary's date of birth to prevent an untimely filed NOE.</p> <p>Outcome: An exceptional circumstance will not be granted when the date of birth is incorrectly entered by the provider. Providers can submit a new NOE with the correct date of birth while the original NOE with the incorrect date of birth is processing. The corrected NOE should process and finalize and the NOE with the incorrect date of birth should return to provider.</p>

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<p>Date of birth</p> <p>Incorrect information was received</p>	<p>The Medicare system will check the beneficiary's date of birth and match it to the first six letters of the last name and first initial of the first name. If an incorrect date of birth is reported on the NOE, the Medicare claims processing system will return the NOE to the provider.</p>	<p>Action: It is the responsibility of the hospice provider to validate the beneficiaries Medicare information. The provider should be checking FISS/DDE to verify coverage and eligibility.</p> <p>Outcome: Entering incorrect information that has not been verified will not meet for an exceptional circumstance for a late filed NOE.</p> <p>There may be other times rare instances where the information was entered on a Medicare card incorrectly or reported incorrectly that may allow for an exceptional circumstance. Determinations for meeting an exceptional circumstance will be viewed on case by case bases and determined based on the documentation and circumstances supplied by the provider.</p>
<p>Full Mailing Address</p>	<p>An NOE with an incorrect address may return to the provider or may process and finalize.</p>	<p>Action: If the Medicare system processes and finalized the NOE, do not cancel and correct the NOE.</p> <p>If the NOE returns to the provider the NOE will need to be corrected and resubmitted.</p> <p>Outcome: If the NOE is cancelled and resubmitted to correct an incorrect address on an NOE that was processed and finalized, it will be considered untimely.</p> <p>If the NOE is returned to the provider from CWF for correction, this may meet for an exceptional circumstance. Determinations for meeting an exceptional circumstance will be viewed on a case by case basis and determined based on the documentation and circumstances supplied by the provider.</p> <p>If the original NOE was submitted timely and the Medicare claims processing system returned the NOE outside a time frame that it was feasible for the provider to correct and resubmit the NOE within five days to meet timeliness, this may meet for an exceptional circumstance for timeliness if:</p> <ol style="list-style-type: none"> 1. The original NOE was submitted timely 2. The NOE processed and was returned outside the time frame the Noe could be corrected and resubmitted timely. 3. The NOE was corrected and re-submitted within two business days of being returned to the provider.

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<p>Zip code</p>	<p>If previous claims have been submitted for the beneficiary the system will auto-populate this information. An NOE with an incorrect address may return to the provider or may process and finalize.</p>	<p>The claim maybe accepted by FISS with misinformation. The claim will reject at CWF since this is the system of record. Providers must verify information auto-populated is correct.</p> <p>Action: If the Medicare claims processing system processes and finalizes the NOE, do not cancel and correct the NOE.</p> <p>If the NOE returns to the provider the NOE must be corrected and resubmitted.</p> <p>Outcome: If the NOE is cancelled and re-submitted to correct an incorrect ZIP code on an NOE that was processed and finalized, it will be considered untimely.</p> <p>If the NOE is returned to the provider from CWF for correction, this may meet for an exceptional circumstance. Determinations for the meeting an exceptional circumstance will be viewed on case by case basis and determined based on the documentation and circumstances supplied by the provider.</p> <p>If the original NOE was submitted timely and the Medicare claims processing system returned the NOE outside a time frame that it was feasible for the provider to correct and resubmit the NOE within the five days to meet timeliness, this may meet for an exceptional circumstance for timeliness if:</p> <ol style="list-style-type: none"> 1. The original NOE was submitted timely 2. The NOE processed and was returned outside the time frame that the NOE could be corrected and resubmitted timely. 3. The NOE was corrected and re-submitted within two business days of being returned to the provider.
<p>Gender</p>	<p>If previous claims have been submitted for the beneficiary the system will auto-populate this information. An NOE with an incorrect gender may return to the provider or may process and finalize.</p>	<p>The claim maybe accepted by FISS with misinformation. The claim will reject at CWF since this is the system of record. Providers must verify information auto-populated is correct.</p> <p>Action: If the Medicare claims processing system processes and finalizes the NOE, do not cancel and correct the NOE.</p> <p>If the NOE returns to the provider the NOE must be corrected and resubmitted.</p> <p>Outcome: If the NOE is cancelled and resubmitted to correct an incorrect gender on an NOE that was processed and finalized, it will be considered untimely.</p> <p>If the NOE is returned to the provider from CWF for correction, this may meet for an exceptional circumstance. Determinations for meeting an exceptional circumstance will be viewed on case by case basis and determined based on the documentation and circumstances supplied by the provider.</p> <p>If the original NOE was submitted timely and the Medicare claims processing system returned the NOE outside a time frame that it was feasible for the provider to correct and resubmit the NOE within the five days to meet timeliness, this may meet for an exceptional circumstance for timeliness if:</p> <ol style="list-style-type: none"> 1. The original NOE was submitted timely 2. The NOE processed and was returned outside a time frame the NOE could be corrected and resubmitted timely. 3. The NOE was corrected and re-submitted within two business days of being returned to the provider.

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<p>Admit Date (required)</p> <p>Incorrectly reported on the NOE</p>	<p>The Medicare claims processing system may allow an incorrect admit date and process.</p>	<p>Action: If the NOE is submitted with an incorrect admission date, and the system posts it to the CWF record, the hospice must submit an NOE that corrects the “from” and “admit” dates previously submitted in error. In this case, the hospice reports the correct election date in the “from” and “admit” fields and reports the incorrect election date using occurrence code 56.</p> <p>Outcome: If the NOE returns to the provider, the NOE will need to be corrected and resubmitted.</p> <p>If the original NOE was submitted and the Medicare claims processing system processed it, the hospice must submit a new NOE to correct the election date previously submitted in error. Do NOT cancel the original NOE.</p> <p>The hospice reports the following on the new NOE:</p> <ol style="list-style-type: none"> 1. Condition code D0 (ensure that the number zero is entered) 2. Correct election date in the “from” and “admit” date fields 3. Original incorrect election date using occurrence code 56 4. Occurrence code 27 and the date of certification. This date must match the “from” and “admit” dates. <p>The date the original NOE was received will be used to determine:</p> <ol style="list-style-type: none"> 1. If the original NOE was submitted timely and an exception will not need to be requested on the sequential claim(s), or 2. If the original NOE was late and an exception (if chosen) will need to be requested on the sequential claim(s) for the time period the original NOE was late <p>Additional Resources: Submitting a Hospice Notice of Election (NOE) TOB 8XA - https://www.cgsmedicare.com/hhh/education/materials/pdf/hospice_noe_tob8xa.pdf</p>
<p>OCC CDS(27)/Date (required)</p> <p>Entered the incorrect date for the physician certification and the Medicare claims processing system returned the NOE for correction</p>	<p>The incorrect date of the physician certification is entered on the NOE with the OC27 the Medicare claims processing system returns the NOE to the provider.</p>	<p>Action: If the incorrect date of the physician certification is entered on the NOE with the OC27 and the NOE was returned to the provider for correction, the NOE must be corrected and resubmitted.</p> <p>Outcome: If the original NOE was submitted timely and the Medicare claims processing system returned the NOE outside the five day time requirement, this may meet for an exceptional circumstance if:</p> <ol style="list-style-type: none"> 1. The original NOE was submitted timely 2. The NOE returned to the provider outside the five day timely filing the NOE could be corrected and resubmitted timely. 3. The NOE was corrected and re-submitted within two business days of being returned to the provider. <p>Additional Resources: Submitting Claims for Untimely Notices of Election (NOEs), http://www.cgsmedicare.com/hhh/education/materials/submitting_claims_untimely_noes.html</p>

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<p>OCC CDS/Date (required)</p> <p>Entered the incorrect date for the physician certification and the Medicare claims processing system processed and finalized the NOE with the incorrect date.</p>	<p>The incorrect date of the physician certification is entered on the NOE with the OC27 and the Medicare claims processing system may allow an incorrect certification date and process.</p>	<p>Action: If the NOE is submitted with an incorrect date of the physician certification and the system posts it to the CWF record, the NOE will need to be cancelled and a new NOE submitted with the correct physician certification date.</p> <p>Outcome: In some circumstances the Medicare claims processing system will process and finalize an NOE with an incorrect physician certification date.</p> <p>If the original NOE was submitted timely and the Medicare claims processing system processed and finalized the NOE outside a time frame that it was feasible for the provider to correct and re-submit the NOE within five days to meet timeliness this may meet for an exceptional circumstance if:</p> <ol style="list-style-type: none"> 1. The original NOE was submitted timely 2. The NOE processed and finalized outside the time frame that the NOE could be corrected and resubmitted timely. 3. The NOE was cancelled within two business days of the date it was finalized, and re-submitted within two business days of the date that the cancellation NOE was processed. <p>Additional Resources: Submitting Claims for Untimely Notices of Election (NOEs), http://www.cgsmedicare.com/hhh/education/materials/submitting_claims_untimely_noes.html</p>
<p>FAC. Zip (required)</p> <p>Entered an incorrect Zip code for the facility</p>	<p>The Medicare claims processing system will accept an incorrect zip code for a facility and the NOE will process and finalize.</p>	<p>Action: The NOE will need to be cancelled and a new NOE will need to be resubmitted.</p> <p>Outcome: The Medicare claims processing system will process and finalize a NOE with an incorrect facility zip code.</p> <p>If the original NOE was submitted timely and the Medicare claims processing system processed and finalized the NOE outside a time frame that it was feasible for the provider to correct and re-submit the NOE within five days to meet timeliness this may meet for an exceptional circumstance if:</p> <ol style="list-style-type: none"> 1. The original NOE was submitted timely 2. The NOE processed and finalized outside the time frame the NOE could be corrected and resubmitted timely. 3. The original NOE was cancelled within two business days of the date that it finalized and a new NOE was -submitted within two business days of the date that the cancellation NOE finalized. <p>Additional Resources: Submitting Claims for Untimely Notices of Election (NOEs), http://www.cgsmedicare.com/hhh/education/materials/submitting_claims_untimely_noes.html</p>

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<p>RI (required)</p> <p>Enter the release of information indicator. Valid values are:</p> <p>“Y” to indicate you have a signed statement on file permitting you to release data to other organizations to adjudicate claims.</p> <p>“R” to indicate the release is limited or restricted.</p> <p>“N” to indicate there is no release is on file.</p>	<p>The RI defaults to (Y).</p>	<p>No action required</p>
<p>DX code (Required)</p> <p>Invalid dx code reported</p>	<p>The Medicare claims processing system will return the NOE to the provider if an invalid diagnosis code is placed on the NOE.</p>	<p>Action: When the NOE is returned the diagnosis must be corrected and the NOE resubmitted.</p> <p>Outcome: In most instances, an NOE submitted with an incorrect diagnosis code will immediately return to the provider for correction. Providers should monitor the status of their NOE’s and submit a corrected NOE as soon as they identify the error.</p> <p>If the original NOE was submitted timely and the Medicare claims processing system returned the NOE to outside a time frame that was feasible for the provider to correct and re-submit the NOE within five days to meet timeliness, this may meet for an exceptional circumstance if:</p> <ol style="list-style-type: none"> 1. The original NOE was submitted timely 2. The NOE was returned for correction outside a time frame that it was feasible the NOE could be corrected and resubmitted timely. 3. The NOE was corrected and submitted within two business days of being returned to the provider <p>Additional Resources: Submitting Claims for Untimely Notices of Election (NOEs), http://www.cgsmedicare.com/hhh/education/materials/submitting_claims_untimely_noes.html</p>
<p>DX code (Required)</p> <p>Valid dx code but incorrect diagnosis code</p>	<p>The Medicare system will accept a valid diagnosis code. The NOE will not be returned to the provider.</p>	<p>Action: If a valid diagnosis code is entered on the NOE and the system accepts the NOE, do not cancel or correct the timely filed NOE.</p> <p>Enter the correct diagnosis code on the initial claim.</p> <p>Outcome: An exceptional circumstance will not be granted when the timely NOE is cancelled and resubmitted to change the diagnosis code.</p>
<p>DX code (Required)</p> <p>The diagnosis has changed</p>	<p>The Medicare system will accept a valid diagnosis code.</p>	<p>Action: If the beneficiary’s primary hospice diagnosis has changed, do not cancel a timely filed NOE.</p> <p>Enter the new diagnosis code on the initial claim.</p> <p>Outcome: An exceptional circumstance will not be granted when a timely filed NOE is canceled and resubmitted to change the diagnosis code that was originally submitted.</p>

Notice of Election (NOE) Timely Filing and Exceptional Circumstance Guidelines

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Attending physician (NPI) Entered invalid physician NPI	If an invalid NPI number is submitted on the NOE. The Medicare claims processing system will return the NOE to the provider.	<p>Action: When the NOE is returned the NPI must be corrected and the new NOE resubmitted.</p> <p>Outcome: If the original NOE was submitted timely and the Medicare claims processing system returned the NOE outside a time frame that was feasible for the provider to correct and re-submit the NOE within five days to meet timeliness this may meet for an exceptional circumstance if:</p> <ol style="list-style-type: none"> 1. The original NOE was submitted timely 2. The NOE was returned for correction outside requirement time frame that it was feasible the NOE could be corrected and resubmitted timely. 3. The NOE was corrected and re-submitted within two business days of being returned to the provider <p>Additional Resources: Submitting Claims for Untimely Notices of Election (NOEs), http://www.cgsmedicare.com/hhh/education/materials/submitting_claims_untimely_noes.html</p>
Attending physician (NPI) Entered the wrong NPI # from the same group	The Medicare claims processing system will process a NOE with a valid physician NPI.	<p>Action: The NOE must be cancelled and resubmitted with the correct NPI for the physician providing the service.</p> <p>Outcome: This error does not meet an exceptional circumstance and the days outside of the timely filing for a NOE will be non-covered days.</p>
Attending physician (NPI) Change in attending physician NPI	The Medicare claims processing system will process a NOE with a valid physician NPI.	<p>Action: If the NOE is submitted with the NPI of the attending physician that the beneficiary has selected, but the attending physician declines to be the attending physician, the NOE does not need to be cancelled nor corrected.</p> <p>If the beneficiary selects a different attending physician, the NOE should not be cancelled to update the new attending physician NPI. The new attending's NPI should be correctly reported on the first claim.</p> <p>Outcome: If a timely NOE is cancelled to change the attending physician NPI an exceptional circumstance will not be granted.</p>

Common Scenarios Regarding an Untimely Filed Notice of Election (NOE) and exceptional circumstances

ISSUE: Fiscal Intermediary Standard System (FISS) Beneficiary File Limitations

When an NOE is submitted with a correct Medicare ID number, but the name, gender or date of birth are incorrect, and it is the first submission of any type of notification or claim for that beneficiary, the NOE will cycle through CWF before it returns to provider (RTP's). Since this is the first submission to the Medicare claims processing system, the FISS beneficiary file will update with the incorrect information from the NOE. In these instances, the FISS beneficiary file has to be manually updated by CGS.

Action: When the initial NOE is RTP'd, before submitting a new NOE, the provider should first check the FISS beneficiary file in DDE, (Inquires Menu, Option 10) to determine if the FISS file needs to be updated. If the FISS file needs to be updated, the provider must contact CGS to request that the record be updated and submit the new NOE within 2-business days of the date that the file was corrected.

Outcome: An exceptional circumstance will be granted in the case where the timeliness of a timely filed NOE is affected by the delay in updating the FISS beneficiary file. If the initial NOE was submitted timely and the Medicare claims processing system returned the NOE outside a time frame that was feasible for the provider to correct and re-submit the NOE within five days to meet timeliness this may meet for an exceptional circumstance if:

1. The initial NOE was submitted timely

2. The NOE was returned for correction outside the time limit to submit a new NOE
3. The request to CGS to update the FISS beneficiary file was made within two business days of the date the initial NOE RTP; and
4. The new NOE was submitted within two business days of the date the FISS beneficiary file was updated.

ISSUE: Medicare Claims Processing System Limitations

When a beneficiary is discharged from the Medicare hospice benefit, the beneficiary immediately resumes the Medicare coverage that had previously been waived by the hospice election. If a hospice beneficiary is discharged alive or revokes the hospice benefit, the hospice shall submit a Notice of Termination (NOTR) within five calendar days of the discharge or revocation, unless a final claim has been submitted. There may be instances where the beneficiary revokes or is discharged from the hospice benefit and then re-elects the hospice benefit in a short period of time. Due to Medicare claims processing system limitations there may be times when the notice of election (NOE) is untimely and meets for an exceptional circumstance.

Action: A notice of termination/revocation (NOTR) or a final claim must be filed within five days of the date of discharge. A notice of election (NOE) must be filed within five calendar days of the admission although it may return-to-provider (RTP) due to an open election period that has not yet been closed. Submitting an NOE even though it will RTP creates a paper trail that shows you attempted to submit the NOE timely, and provides evidence for claims processors to base their decision. Once the NOTR has finalized, you may resubmit your NOE. The NOE, if untimely, will require that you submit the claim with an exceptional circumstance.

Outcome: An exceptional circumstance will be granted in the case where the timeliness of a timely filed NOE is affected by the processing delays of a timely filed NOTR or a final claim. If the re-admission NOE was submitted timely and the Medicare claims processing system returned the NOE outside a time frame that was feasible for the provider to correct and re-submit the NOE within five days to meet timeliness this may meet for an exceptional circumstance if:

1. The re-admission NOE was submitted timely
2. The NOE was returned for an open election
3. A timely filed NOTR or final claim prevented the NOE from processing timely.

An exceptional circumstance will not be granted if the provider fails to submit the NOTR or final claim timely, and the processing cause's delays in submitting an NOE. A timely-filed NOTR is a NOTR that is submitted to and accepted by the Medicare contractor within 5 calendar days after the effective date of discharge or revocation.

ISSUE: Unable to timely file an NOTR due to an open election

There is one particular Medicare claims processing issue that prevents an NOTR from being submitted timely. When the beneficiary is in an open election period, an NOTR will RTP due to the benefit period not being established in the Medicare claims processing system. For example: If the beneficiary's benefit period ends on February 17th. The Medicare claims processing system will not update until the February claim is submitted to show the physician certification and open the next benefit period which will start on February 18th. Therefore, if the beneficiary revokes or discharges from February 18th through the end of February you will not be able to submit an NOTR.

Action: The revocation or discharge occurs in the same month

A final claim for February will need to be submitted into the system as quickly as possible to establish and close the next benefit period. For example: If the beneficiary's last day of a benefit period is on February 17th and the beneficiary revokes the benefit on February 18th. You will need to submit your final claim for February as soon as possible to open and close the benefit period. Once the claim has finalized promptly submit the NOE.

Action: The revocation or discharge spans across two months.

A claim will need to be submitted into the system as quickly as possible to establish the next benefit period. For example: The beneficiary's benefit period ends on February 17th and the beneficiary revokes the benefit on March 4th. The February claim will need to be submitted as quickly as possible to establish the next benefit period that will start on February 18th. Once the benefit period has been established by submitting the February claim, you may either submit an NOTR or a final claim for March to terminate the election benefit period. Note: Providers should not delay submitting claims when the only reason is due to awaiting information related to data collection only items (e.g., drugs). When all other requirements for submission are met, the provider should submit the claim and adjust it later when they have the data to add to the claim. This will allow the benefit periods to be updated so that the new NOE can be resubmitted.

Outcome: An exceptional circumstance may be granted when a notice of election (NOE) was filed timely, but RTP due to an open election period in the system that prevents an NOTR from being filed timely.

If sequential billing requirements were followed and the NOE finalizes and posts before the NOTR or final claim are finalized in the system, the NOE will have to be canceled and resubmitted. An exceptional circumstance may be granted if:

1. The initial NOE was submitted timely and in sequence
2. The NOE was canceled within two business days of the date it was posted to the CWF; and
3. The new NOE was resubmitted within two business days of the date the final claim or NOTR finalized