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PHYSICIAN ASSISTANTS NOW PERMITTED TO PERFORM SNF-LEVEL CERTIFICATIONS, RECERTIFICATIONS

This week, the Centers for Medicare & Medicaid Services (CMS) updated Section 40.1 of Publication 100-1, the Medicare General Information, Eligibility and Entitlement Manual, to reflect Section 3108 of the Patient Protection and Affordable Care Act (PPACA). This update permits physician assistants to perform the initial certifications and recertifications of a beneficiary's need for skilled nursing facility (SNF) level care.

This update's implementation date is February 13, 2012, and is effective for services furnished on or after January 1, 2011.

Previously, such certifications and recertifications were performed by the beneficiary's attending physician, a physician on the staff of the skilled nursing facility who has knowledge of the case, or by a physician extender, such as a nurse practitioner (NP) or a clinical nurse specialist (CNS).

This update adds physician assistants to the list of physician extenders permitted to perform SNF-level certifications and recertifications. However, the physician assistant must not have a direct or indirect employment relationship with the facility, but is working in collaboration with the physician. In this context, the definition of a "direct employment relationship" is set forth in the regulations at 20 CFR 404.1005, 404.1007, and 404.1009. Under the regulations at 42 CFR 424.20(e)(2)(ii), when a physician extender has a direct employment relationship with an entity other than the facility, and the employing entity has an agreement with the facility that includes the provision of general nursing services under the regulations at 42 CFR 409.21, an "indirect employment relationship" exists between the physician extender and the facility. By contrast, such an indirect employment relationship does not exist if the agreement between the facility and the physician extender's employer solely involves the performance of delegated physician tasks under the regulations at 42 CFR 483.40(e).

Should you have any questions, please contact:

Todd Selby at 317.977.1440 or tsselby@hallrender.com;

Brian Jent at 317.977.1402 or bjent@hallrender.com; or

David Bufford at 502.568.9368 or dbufford@hallrender.com,

or your regular Hall Render attorney.