

Student Documentation Issue

Prior to March 5, 2018 for billable E/M services, all clinical preceptors (teachers) had to re-document the clinical notes of medical students, advanced practice registered nurse (APRN) students and physician assistant (PA) students. However, on March 5, 2018 CMS revised the Medicare Claims Processing Manual to allow teaching physicians to verify in the medical record any student documentation of the components of E/M services, rather than re-document the work. CMS unfortunately did not apply this same burden reduction to APRN and PA preceptors even though they fill the same role as teaching physicians.

The updated policy removed burdens for teaching physicians but had the unintended consequence of exacerbating the disparity among teaching physicians and precepting (teaching) APRNs and PAs. Reports suggested this reading of the transmittal created a preference for medical students and heightened the challenges of securing preceptors for APRN and PA students. AANP and other stakeholders in the nursing, PA and physician communities raised this issue with CMS, leading to the proposed changes in the 2020 Medicare Physician Fee Schedule proposed rule.

CMS Proposed Changes in 2020 Medicare Physician Fee Schedule Proposed Rule

In the 2020 Medicare Physician Fee Schedule proposed rule, CMS proposed to “provide broad flexibility to the physicians, PAs and APRNs (regardless of whether they are acting in a teaching capacity) who document and who are paid under the PFS for their professional services. Therefore, we proposed to establish a general principle to allow the physician, the PA, or the APRN who furnishes and bills for their professional services to review and verify, rather than re-document, information included in the medical record by physicians, residents, nurses, students or other members of the medical team. We explained that this principle would apply across the spectrum of all Medicare-covered services paid under the PFS. We noted that because the proposal is intended to apply broadly, we proposed to amend regulations for teaching physicians, physicians, PAs, and APRNs to add this new flexibility for medical record documentation requirements for professional services furnished by physicians, PAs and APRNs in all settings.”

It is notable that while the immediate issue was related to a disparity between teaching physicians and medical students and APRN/PA preceptors and APRN/PA students, the solution proposed by CMS would apply more broadly to notes entered into the record by all members of the medical team for all professional services billed by APRNs, PAs and physicians. One note is that certified registered nurse anesthetists (CRNAs) were not included in the definition of APRN in this proposed rule.

CMS Final Changes in 2020 Medicare Physician Fee Schedule Final Rule

CMS finalized the policy largely as proposed effective January 1, 2020. Thus, beginning on January 1, 2020, APRNs, PAs and physicians may review and verify, rather than re-document, notes entered into the medical record made by “physicians; residents; nurses; medical, physician assistant, and advanced practice registered nurse students; or other members of the medical team.” This applies to all professional services in all settings.

While CMS finalized the rule largely as proposed, there were two notable changes. First, the proposed rule did not include CRNAs as furnishing or billing providers. However, CMS added CRNAs in the final rule. Second, CMS removed the generic reference to students in the proposed regulatory text, and specifically listed APRN, PA and medical students in the final regulatory language to remove confusion as to which students this applies to.

For nurse practitioners, the final regulatory text that will go into effect on January 1, 2020 is below. Please note that this same text is reproduced for each other clinician type (clinical nurse specialist, certified nurse-midwife, certified registered nurse anesthetist, physician assistant, and physician) that this rule applies to.

42 CFR § 410.75 Nurse practitioners' services.

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(f) *Medical record documentation.* For nurse practitioners' services, the nurse practitioner may review and verify (sign and date), rather than re-document, notes in a patient's medical record made by physicians; residents; nurses; medical, physician assistant, and advanced practice registered nurse students; or other members of the medical team, including, as applicable, notes documenting the nurse practitioner's presence and participation in the service.

Frequently Asked Questions:

1. When does this new policy go into effect?

January 1, 2020.

2. How does CMS define “other members of the medical team?”

While CMS clarified that the student category refers to APRN, PA and medical students, CMS intentionally did not define which other members of the medical team could enter notes into the record for review and verification by the billing APRN, PA or physician. CMS stated they wanted to leave this category broad to increase flexibility. For example, CMS was asked if “other members of the medical team” would include scribes, and CMS indicated that scribes were potential members of the medical team and that APRNs, PAs and physicians should use their discretion in identifying the members of the medical team for a particular case.

3. To which services does this apply?

All professional services furnished and billed by the billing professional (APRN, PA or physician).

4. To which settings does this apply?

This policy applies in all settings.

5. Does this change impact the standards of documentation needed to demonstrate medical necessity of services?

No, this policy only changes who can enter information into the record subject to the review and verification of the furnishing and billing APRN, PA or physician. All other documentation or physical presence requirements remain in place.