



New Beneficiary Signature Rules from CMS

The Centers for Medicare and Medicaid (CMS) have announced new rules surrounding patient signatures that will go into effect on January 1, 2008. Comments will be taken until December 31, 2007 concerning the implementation of this final rule. The American Ambulance Association (AAA) has drafted a form letter that can be downloaded and forwarded to CMS. To download a copy of this letter directly from the AAA, go to <http://www.the-aaa.org/Oncapitolhill/12-17-07%20Member%20Signature%20Letter.doc>. MBI Solutions encourages any of our clients to send comments to CMS so that they will delay implementation of this rule until the true impact of this rule is determined. MBI Solutions has already drafted a letter and forwarded to CMS. To view our letter, simply log into MBI-Net and click on the link seen on the home page.

Why the new rules?

As you remember the patient signatures captured in the field are for a few reasons. The signatures authorize submission of claims, authorize release of information, authorize assignment of benefits, authorize appeal of claims, accept financial responsibility (for the patient), and acknowledgement of the receipt of your services Notice of Privacy Practices. This new rule creates a new reason for capturing signatures, verification that the services were provided to the beneficiary. The signature allows the EMS provider, or the third-party billing company working on behalf of the EMS provider, to communicate to Medicare on behalf of the beneficiary.

What do the new rules impact?

Remember **all** Medicare claims must be signed by the beneficiary, or, as an exception to the rule, may be signed by an authorized alternative signer. The new signature rules will increase the burden of the EMS provider to obtain patient signatures for emergency transports where the patient is “physically or mentally” unable to sign.

Where the rule immediately impacts signature gathering is when the patient is “physically or mentally” unable to sign and no other authorized alternative signers are available or willing to sign on behalf of the patient.

Who are authorized alternative signers?

An authorized alternative signer can be the beneficiary's legal guardian, a relative or other individual receiving social security or other governmental benefits on behalf of the patient, a relative or other individual who exercises responsibility for the beneficiary's affairs, and/or a representative of an agency or institution providing care, services, or other assistance to the beneficiary.

What to do if the patient is unable to sign and the authorized alternative signer is unavailable or unwilling to sign?

For emergency ambulance services the provider may sign if the beneficiary is "physically or mentally" unable to sign and the authorized alternative signer is unavailable or unwilling to sign. In order to do so the provider must maintain three (3) types of documentation for a period of four (4) years. The first documentation needed is a "contemporaneous statement" from the employee that the patient was "physically or mentally" unable to sign and that the authorized alternative signer was unavailable or unwilling to sign. The second form of documentation needed is the date and time of the transport as well as the name of the facility that the beneficiary was transported. The third form of documentation is either a signed "contemporaneous statement" from a representative of the receiving facility which documents the name of the beneficiary and the date and time the beneficiary was received by the facility, OR a secondary form of verification obtained at a later date but prior to submitting a claim to Medicare.

What type of documentation fulfills the Secondary Types of Verification?

The ambulance provider may request from the receiving facility a signature on the patient care report, a hospital registration/admission sheet, the patient medical record, the hospital log, or other internal hospital records.

What actions can you take?

Although a burden, with the proper pre-planning, this process can be done smoothly and efficiently.

- Ensure that you as the provider obtain a signature from the patient or authorized alternative signer for as many transports as possible. The new rule is would seem to be designed to limit the amount of claims being submitted with provider signatures.
- Take care to record your transport date and times correctly in your patient care report, especially your call time and arrived at facility time.
- In cases where the patient or authorized alternative signer was unavailable or unwilling to sign, notate such information in your narrative

as your “contemporaneous statement.” (Notate: Patient was physically unable to sign due to being unconscious and an authorized alternative signer was unavailable/unwilling to sign.)

- Obtaining a secondary form of verification may be easier than you think. If you are currently picking up face sheets at the hospital or MBI Solutions interfaces directly with the hospital to receive electronic face sheets, then you have fulfilled the requirement.
- Another method to obtain a secondary form of verification would be to create signature boxes on either your paper patient care report or in your mobile software. Mobile software packages usually have a Receipt of Notice of Privacy Practices as well an Assignment of Benefits tab. Most departments will use one box to place language for both so that two signatures are not needed. If not using both boxes, consider using one to capture the representative of the receiving facility signature for all of your calls.
- Remember to mark “signature on file” in your patient care reporting software. Even though the patient has not signed, there is a valid signature on file to submit a Medicare claim.

Also to assist departments in obtaining the proper signatures and verification, a signature form has been created for you to view and use if desired. It is a full page that could be modified by changing DEPARTMENT NAME to you actual department name, copying in mass quantities, and stored within reach during a transport. Go to <http://web.mbi-solutions.com/fireandems/newsletter.asp> and click on Signature Form 2008 to view this document.