

§ 418.102 Condition of Participation: Medical Director

One medical director

- Only one physician serves as the medical director for a Medicare certified hospice. (One specific physician for a unique CCN (CMS Certification Number).
- A hospice can employ multiple physicians, but there can be only one medical director for the organization or one CCN.
- All physicians function under the supervision of the one medical director. (See § 418.64 – Core Services).
- The hospice can choose what job/position title will be assigned to the additional physicians.
- The additional physicians can perform medical director interdisciplinary team duties under the supervision of the organization's medical director.
- The method of supervision is at the discretion of the hospice organization.

Medical director qualifications:

- Is a doctor of medicine or osteopathy
- Is an employee, or is under contract with the hospice. (could also be a volunteer)
 - **NOTE:** When the medical director is not available, a specific physician designated by the hospice assumes the same responsibilities and obligations as the medical director.

Medical director contract:

- A hospice may contract for medical director services with either:
 - A self-employed physician; or
 - A physician employed by a professional entity or physicians group. (A hospice provider may not contract with a general physician group)
- The contract must specify the physician who assumes the medical director responsibilities and obligations.

Responsibilities of the medical director or physician designee:

- Initial certification of terminal illness. The medical director or physician designee must:
 - Review the clinical information for each hospice patient, considering—
 - ▶ The primary terminal condition (prognosis);
 - ▶ Related diagnosis(es), if any;
 - ▶ Current subjective and objective medical findings;
 - ▶ Current medication and treatment orders; and
 - ▶ Information about the medical management of any of the patient's conditions unrelated to the terminal illness.
 - Provide written certification that it is anticipated that the patient's life expectancy is 6 months or less if the illness runs its normal course.
 - Write a brief narrative explanation of the clinical findings that support a life expectancy of 6 months or less as part of the certification and recertification forms or as an addendum, as required in § 418.22(b)(3).
 - The physician must attest that he or she composed the brief narrative and sign and date the narrative under the attestation.
- Recertification of the terminal illness.
 - Before the recertification period for each patient, the medical director or physician designee must review all available patient clinical information.
- The medical component of the hospice's patient care program is the medical director's responsibility.

Compliance Suggestions for Hospice Providers

- Form a group to draft standards and requirements of physicians to be considered for the role of hospice medical director.
- Review physician contracts to ensure they are compliant with CoP requirements.
- Ensure that clinical staff know the difference between the one hospice medical director and hospice physicians employed or under contract with the hospice.

Please note that hospice providers need to comply with the most stringent regulatory requirements (Federal or State).

Resources

- [Medicare Benefit Policy Manual Chapter 9 - Coverage of Hospice Services Under Hospital Insurance, Physician Services](#)

References

- Part II - Department of Health and Human Services, Centers for Medicare & Medicaid Services
42 CFR Part 418 Medicare Hospice Care Regulations [eCFR :: 42 CFR Part 418 -- Hospice Care](#)