

§ 418.114 Condition of Participation: Personnel Qualifications

Due to the detail in this CoP, only key information is provided in this guide. Providers should consult the [full regulatory text](#) for complete information.

General qualification requirements

- The following standards apply to all professionals who furnish services directly or under any arrangement with a hospice, including individual contracts.
 - All professionals who provide hospice care or services must be legally licensed, certified or registered in accordance with applicable Federal, State and local laws.
 - Each professional must act only within the scope of his or her license, State certification or registration.
 - All personnel qualifications must be kept current at all times.

Personnel qualifications when no state licensing, certification or registration requirements exist

- If there are no State or Federal requirements for certification or licensing of professionals, CMS requires that a registered nurse must be a graduate of a school of professional nursing and a licensed practical nurse must have completed a practical nursing program.

Personnel qualifications for physicians

- A doctor of medicine or osteopathy.
 - **§ 418.3 - Physician** means an individual who meets the qualifications and conditions as defined in section 1861(r) of the Act and implemented at § 410.20.
 - **§ 418.3 - Physician designee** means a doctor of medicine or osteopathy designated by the hospice who assumes the same responsibilities and obligations as the medical director when the medical director is not available.
 - Medicare Part B pays for physicians' services, including diagnosis, therapy, surgery, consultations, and home, office, and institutional calls.

Personnel qualifications for hospice aides

- A qualified hospice aide is a person who has successfully completed one of the following:
 - A training program and competency evaluation specified in § 418.76.
 - A competency evaluation program specified in § 418.76.
 - A nurse aide training and competency evaluation program approved by the State and is currently listed in good standing on the State nurse aide registry. (must meet requirements of § 483.151 through § 483.154)
 - A State licensure program that meets the requirements of paragraphs (b) and (c) of § 418.76.

Personnel qualifications for social workers

Social worker. A person who—

- Has a Master of Social Work (MSW) degree from a school of social work accredited by the Council on Social Work Education; or
- Has a baccalaureate degree in social work from an institution accredited by the Council on Social Work Education; or a baccalaureate degree in psychology, sociology, or other field related to social work and is supervised by an MSW; and
 - Has 1 year of social work experience in a healthcare setting; or
 - ▶ The regulatory text and the interpretive guidelines do not specify any particular health care setting for this requirement. It is up to the hospice to decide if the social worker meets the specifications of the regulation, both State and Federal, and the hospice's own job qualifications.

- Has a baccalaureate degree from a school of social work accredited by the Council on Social Work Education, is employed by the hospice before December 2, 2008, and is not required to be supervised by an MSW.
- A state's hospice licensure regulations and social worker requirements should be reviewed and adhered to if they are more stringent than the CoPs. A hospice can also set their standard/policy higher than the federal regulations.
- **Social worker supervision**
 - The only detail that is provided by CMS about supervision is in the interpretive guidelines at § 418.114(b)(3): "Each hospice must employ or contract with at least one MSW to serve in the supervisor role as an active advisor, consulting with the BSW on assessing the needs of patients and families, developing and updating the social work portion of the plan of care, and delivering care to patients and families. This supervision may occur in person, over the telephone, through electronic communication, or any combination thereof. The hospice must allow time for this supervision to happen on a regular basis and provide documentation as to the nature and scope of supervision. The hospice must also ensure that non-social work trained bachelor's prepared employees filling the role of social worker are supervised by a MSW who graduated from a school of social work accredited by the CSWE and who has at least one year of experience in a health care setting."

Personnel qualifications for speech language pathologist (SLP)

- A person who meets either of the following requirements:
 - The education and experience requirements for a Certificate of Clinical Competence in speech-language pathology granted by the American Speech-Language-Hearing Association.
 - The educational requirements for certification and is in the process of accumulating the supervised experience required for certification.

Personnel qualifications for occupational therapist (OT)

- Is licensed or otherwise regulated, if applicable, as an occupational therapist by the State in which practicing, unless licensure does not apply;
 - Graduated after successful completion of an occupational therapist education program accredited by the Accreditation Council for Occupational Therapy Education (ACOTE) of the American Occupational Therapy Association, Inc. (AOTA), or successor organizations of ACOTE; and
 - Is eligible to take, or has successfully completed the entry-level certification examination for occupational therapists developed and administered by the National Board for Certification in Occupational Therapy, Inc. (NBCOT).
- Additional detail regarding **occupational therapists** and **occupational therapist assistants** requirements is available in § 418.114(5) in the final Conditions of Participation.

Personnel qualifications for physical therapist (PT)

- A person who is licensed, if applicable, by the State in which practicing, unless licensure does not apply and meets one of the following requirements:
 - Graduated after successful completion of a physical therapist education program approved by one of the following:
 - ▶ The Commission on Accreditation in Physical Therapy Education (CAPTE).
 - ▶ Successor organizations of CAPTE.
 - ▶ An education program outside the United States determined to be substantially equivalent to physical therapist entry level education in the United States by a credentials evaluation organization approved by the American Physical Therapy Association or an organization identified in 8 CFR 212.15(e) as it relates to physical therapists.
 - ▶ Passed an examination for physical therapists approved by the State in which physical therapy services are provided.
- Additional detail regarding **physical therapists** and **physical therapist assistants** requirements is available in § 418.114(7) in the final Conditions of Participation.

Criminal background checks

- The hospice must obtain a criminal background check on all hospice employees (including volunteers) who have direct patient contact or access to patient records.
- Hospice contracts must require that all contracted entities obtain criminal background checks on contracted employees who have direct patient contact or access to patient records.
- Criminal background checks must be obtained in accordance with State requirements.
- In the absence of State requirements, criminal background checks must be obtained within three months of the date of employment.

Compliance Suggestions for Hospice Providers

- Review and evaluate applicable state regulations.
- Review all personnel files, including licensure renewal dates, to ensure that each professional staff member meets the requirements of this condition on a regular basis (at least annually).
- Review State laws and regulations regarding criminal background checks. The hospice should comply with the most stringent regulations, whether they are the regulations set forth in this CoP, or State laws or regulations.
- Incorporate education about personal requirements into your orientation program and continuing education for management.

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

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](#)