

Medical Student Documentation During the Public Health Emergency: CMS Rules

Background

In 2018 the Centers for Medicare and Medicaid Services (CMS) revised the provider manual as follows:

E/M Service Documentation Provided by Students

Any contribution and participation of a student to the performance of a billable service (other than the review of systems and/or past family/social history which are not separately billable, but are taken as part of an E/M service) **must be performed in the physical presence of a teaching physician or physical presence of a resident in a service meeting the requirements set forth in this section for teaching physician billing.**

Students may document services in the medical record. However, the teaching physician must verify in the medical record all student documentation or findings, including history, physical exam and/or medical decision making. The teaching physician must personally perform (or re-perform) the physical exam and medical decision-making activities of the E/M service being billed, but may verify any student documentation of them in the medical record, rather than re-documenting this work. (emphasis added)

<https://www.cms.gov/Regulations-and-Guidance/Guidance/Transmittals/2018Downloads/R4068CP.pdf>

In the final Calendar Year 2020 Physician Fee Schedule Rule CMS further expanded student documentation requirements to allow a physician, PA, or advanced practice registered nurse (i.e., NPS, CNSs, CNMs, and certified registered nurse anesthetists) to review and verify, rather than re-document, information in the medical record by physicians, residents, nurses, students, or other members of the medical team.

Medical Student Documentation During the PHE

In the current public health emergency, the only student documentation change that CMS has made is to allow anyone who bills under Medicare, whether or not they are in a teaching role, to review and verify (sign and date) rather than re-document, notes in the medical record made by physicians, residents, nurses, and students (including students in therapy or other clinical disciplines).

In a communication from CMS to the AAMC the Agency stated the following:

During the PHE, the medical records must include documentation regarding whether the teaching physician was physically present or if present through audio/video real-time communications technology at the time the service is furnished. **However, furnishing the service via telehealth doesn't change our flexibilities regarding who can document. The billing practitioner will still need to review/verify the notes made by others on the medical team, but does not need to re-document the service.** (emphasis added)

CMS agreed with the following scenarios that were sent by the AAMC. If the teaching physician or resident sees the patient in person and provides an E/M service but the medical student is participating in the service via interactive telecommunications technology, the teaching physician can review and verify the medical student's documentation. If both the teaching physician and the medical student are participating in the E/M service through interactive telecommunications technology, and the resident or another clinician is in the room with the patient, the teaching physician must review and verify the medical student's documentation.

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