

Eli's Hospice Insider

Compliance: When Educating Referral Sources About Hospice, Keep Sight of These Compliance Requirements

Operating within these boundaries can make teaching efforts a boon rather than a bane.

Stepping up to the plate to teach nursing home staff and other providers about hospice can be great for patients, but make sure you follow a few key dos and don'ts.

For one, keep in mind that if your hospice isn't providing education in some cases, you're out of compliance. When a hospice has a contract with the nursing home, the updated Conditions of Participation require the hospice to provide nursing home staff training and hospice orientation, says attorney **Meg S. L. Pekarske**, with Reinhart Boerner Van Deuren in Madison, Wis.

"In the period of change due to the new CoPs -- which stress coordination and communication between hospice and nursing homes -- hospices have to take the lead in educating nursing homes about the new expectations," emphasizes **Beth Carpenter**, president of Beth Carpenter and Associates in Lake Barrington, Ill.

But the training should focus on providing care and improving outcomes -- and not just be a marketing effort, Pekarske emphasizes. "When the hospice is in the nursing home, the staff should focus only on the hospice patients, and provide education to meet the CoP requirements and improve coordination of care, and so forth," she adds.

Also: "As part of its outreach and general education efforts, hospices can discuss with nursing homes ... what the Medicare contractor will be expecting to see, for example, in someone with end-stage dementia for the person to be eligible for hospice," says Pekarske. Hospices may have meetings with home health providers and talk about the same types of issues, she adds.

Watch Out for Freebies

What hospices have to avoid is giving a provider something of value for a referral, which would violate the anti-kickback statute, cautions Pekarske.

For example, "if the hospice meets with the nursing home administration for a half hour to provide education, and then takes everyone out to an expensive dinner -- that could raise anti-kickback issues," says Pekarske. Ditto if the hospice followed up an educational session at a nursing home or home health agency with a gift basket, she adds.

Remember: "Under the anti-kickback statute, any amount of 'remuneration' (meaning anything of value), regardless of how small," could constitute a violation if it's intended to induce patient referrals for items or services reimbursed by a federal healthcare program, says Pekarske. "Unlike the Stark Law, there is no exception to the statute allowing for de minimus remuneration, such as small holiday gifts." (See the article on educating nursing homes and home health providers about identifying patients who may be ready for a shift to palliative care or hospice, page 14.)