

Eli's Hospice Insider

Court Rules Medicare Hospice Cap Invalid

But don't expect a big payout -- Medicare has another trick up its sleeve.

A recent federal court decision may bring hospices one step closer to the end of the Medicare hospice cap.

A decision handed down Feb. 28 by the **U.S. District Court for the Northern District of Oklahoma**, declared the hospice cap regulation invalid. In fact, there have been numerous cases on this issue, and "every court that has considered the issue has held that 42 C.F.R. §418.309(b)(1) is invalid," notes U.S. District Judge **Gregory Frizzell** in the opinion in *Infinity Care of Tulsa v. Sebelius* (Case No. 09-CV-723-GKF-FHM).

Background: In 2007, **Infinity Care of Tulsa** received about \$5.2 million in Medicare payments, according to the decision. But Medicare demanded recoupment of about \$1 million based on the per beneficiary cap.