

Eli's Hospice Insider

Elections: Use Your Extra Time Until Election Statement Changes Wisely

CMS sticks to its guns on cost-sharing info.

Hospices' attention may be grabbed by the burdensome election statement addendum required next October, but they should also prioritize the changes they must make to the election statement itself.

The **Centers for Medicare & Medicaid Services** adopted its proposed additions for the election statement with no changes, the agency says in the hospice payment final rule for fiscal year 2020 published in the Aug. 6 Federal Register. Starting in October 2021, hospices must include these additional items in their election statements:

- Information about the holistic, comprehensive nature of the Medicare hospice benefit.
- A statement that, although it would be rare, there could be some necessary items, drugs, or services that will not be covered by the hospice because the hospice has determined that these items, drugs, or services are to treat a condition that is unrelated to the terminal illness and related conditions.
- Information about beneficiary cost-sharing for hospice services.
- Notification of the beneficiary's (or representative's) right to request an election statement addendum that includes a written list and a rationale for the conditions, items, drugs, or services that the hospice has determined to be unrelated to the terminal illness and related conditions and that immediate advocacy is available through the BFCC-QIO if the beneficiary (or representative) disagrees with the hospice's determination.

CMS bumped the implementation date for the changes from Oct. 1, 2020, to next year, mostly due to concerns about the new addendum.

While the lion's share of the comments on the final rule addressed the addendum, CMS did fend off some suggestions and criticisms of the election statement additions as well.

For example: Cost-sharing information "on the election statement would be confusing for patients and burdensome for hospices to have to explain," one commenter told CMS.

"To provide full transparency regarding hospice coverage ... we believe that the election statement should include information that there may be individual cost-sharing for certain hospice services while under a hospice election," CMS maintains. "We believe this information can be communicated simply and in a straightforward fashion to beneficiaries," the agency exhorts.

Hospices' flexibility in crafting their own election statement language should be helpful, CMS insists. "Hospices can add whatever language they feel best communicates information to the beneficiary about coverage under the Medicare hospice benefit as long as such information is in accordance with the hospice regulations," the rule points out.

CMS points to its own sample election statement as an example of how to include much of the new information. Presumably, CMS will issue an updated sample election statement before next year's deadline.

Note: See CMS's sample election statement at www.cms.gov/Outreach-and-Education/Medicare-Learning-Network-MLN/MLNMattersArticles/Downloads/SE1631.pdf.