

## Eli's Hospice Insider

### Fraud & Abuse: OIG Adds Wide-Ranging Hospice Topic To Work Plan

**Don't be surprised if OIG investigation leads to tougher surveys.**

With Medicare hospice payments continuing to grow by leaps and bounds, the feds are putting yet another hospice topic on their investigation list.

The **HHS Office of Inspector General** plans to investigate "Protecting Medicare Hospice Beneficiaries From Harm," according to a new update to its Work Plan agenda. The government watchdog agency aims to issue a report on the matter next year.

"For this study, we will use ... survey reports to provide more detail about poor-quality care that resulted in harm to beneficiaries," the OIG says on its Work Plan web page. "We will describe specific instances of harm to Medicare hospice beneficiaries and identify the vulnerabilities in Medicare's process for preventing and addressing harm."

The OIG says the study "is a companion to Trends in Hospice Deficiencies and Complaints (OEI-02-17-00020), in which we determine the extent and nature of hospice deficiencies and complaints and identify trends." The OIG announced the Deficiencies and Complaints study as part of its Work Plan in 2017, when it estimated it would issue the report this year.

"This second report is probably going to dig more deeply to identify the specific offenses, and potentially consider whether the deficiencies/citations were sufficient given the level of the offense," **Theresa Forster** with the **National Association for Home Care & Hospice** tells **Eli**.

"It is a concern to see this addition to the OIG work plan for 2018," says **Judi Lund Person** with the **National Hospice & Palliative Care Organization**. "We will work with the OIG and with hospice providers throughout the country to ensure that there is education and continuing focus on the steps every hospice can take to ensure delivery of quality hospice care," Lund Person continues.

**Expected results:** Hospices shouldn't be surprised when both studies recommend tougher, and perhaps more frequent, hospice surveys, experts say. In addition to concerns caused by sheer growth - particularly in the for-profit sector of the industry - there have been a number of high-profile, chilling cases splashed across newspapers recently. For example, the **Novus Health** case where hospice staff allegedly hastened patients' deaths for profit (see related story, p. 6).

And "the OIG has previously recommended to [the **Centers for Medicare & Medicaid Services**] that they include hospice survey data on Hospice Compare, so as to provide further insight into the quality of care provided by hospices," Forster adds. "These reports will likely underscore that recommendation."

That means you should prepare for your survey results to be easily publicly available on the Compare site - and easy to compare to your competitors' results.

Hospices should come to grips with the fact that Medicare officials now view the industry as being at higher risk for fraud and abuse, advises attorney **Robert Markette Jr.** with **Hall Render** in Indianapolis. The regulatory and enforcement environment is not the same today as it was 15 years ago, he emphasizes.

"For years, hospice was ignored" when it came to fraud and abuse-fighting activity, Markette observes. Now, it is treated "more like home health," he notes.

That more hostile oversight environment is only bound to intensify as hospice spending, and the proliferation of for-profit hospice agencies, continue to increase, Markette reasons. "You are no longer off the radar," he warns.

Note: The Work Plan description is at

<https://oig.hhs.gov/reports-and-publications/workplan/summary/wp-summary-0000330.asp>.