

## Eli's Hospice Insider

### Fraud & Abuse: OIG Investigates Hospice Services Provided In ALF Setting

**Prevent ALF-related compliance trouble ☐ before the feds coming knocking.**

After investigating hospice provision in nursing homes, it should come as no surprise that the OIG has now turned its attention to hospice in assisted living facilities.

In its recent 2014 Work Plan, the **HHS Office of Inspector General** lists "Hospice in assisted living facilities" as its only new topic in the hospice and home health agency areas.

**Red flag:** "ALF residents have the longest lengths of stay in hospice care," the OIG notes in its topic description. "The **Medicare Payment Advisory Commission** has said that these long stays bear further monitoring and examination."

The OIG will scrutinize length of stay, levels of care received, and common terminal illnesses of beneficiaries who receive hospice in ALFs, it says. Its findings will help inform the **Centers for Medicare & Medicaid Services'** efforts to implement hospice payment reform and quality measures, the agency adds.

The OIG has expressed concerns about a number of issues in nursing home patients, which will also likely apply to ALF patients, expects attorney **Robert Markette Jr.** with **Hall Render** in Indianapolis. Long lengths of stay and vague diagnoses such as adult failure to thrive and debility head up the list of issues.

Marketing is another hot spot, Markette tells **Eli**. The feds are extremely suspicious of relationships between facilities and hospices.

Don't think that the scrutiny will let up because hospices have changed their ways, either. The OIG's stats on LOS stop at 2011, says consultant **Susan Balfour** with **Hospice Fundamentals**. But more recent Medicare claims data provided by **Cordt Kassner** at **Hospice Analytics** shows the LOS trend continues through 2012. Average LOS for ALFs went up from 148 days to 149 from 2011 to 2012, according to the data. That is up from 143 days in 2009.

**Benchmark:** The 149 stat compares to 111 days in nursing facilities (steady from 2011), 88 days at home, and 15 days in a hospice facility or hospital.

**Another point:** The OIG doesn't mention it, but ALF residents also lead the pack in live discharges, according to the Hospice Analytics data. After a recent Washington Post article on hospice discharges, that matter is garnering lots of heat.

Prevent ALF-Related-Trouble With These 4 Tips

Take these steps to help ensure your safety when it comes to ALF scrutiny:

**1. Make sure** your agreements with ALFs are above-board ☐ no renting unnecessary office space to become a "preferred provider," no posting a nurse at the ALF 24/7, etc., Markette counsels.

**2. Look at** the stats for your ALF patients. If they vary significantly between your ALF and at-home patient populations in areas such as diagnoses, LOS, and visit utilization, you could be in trouble, Markette suggests.

Analyze your ALF resident data compared to the national norm as well, Hospice Fundamentals advises in its subscriber newsletter. "We've all been so focused on care in the nursing home for so many years, that [care in ALFs] may not have gotten the internal attention that it deserves," Balfour offers.

**3. Examine** your outlier patients. "Consider a focused audit on those patients with the longest length of stay to determine how well the documentation supports their eligibility," Hospice Fundamentals suggests.

**4. Review** your marketing materials. Make sure they are clear on important points — particularly that electing hospice means giving up curative treatment, Markette says. And make sure your marketing reps are sending the same message.

**Second topic:** The other hospice topic the OIG lists is ongoing — general inpatient care. The agency is reviewing hospice medical records "to address concerns that this level of hospice care is being misused," it says.

Numerous hospice fraud cases already have included charges centered around unnecessary GIP, including the recent charges against **Passages Hospice** co-owner **Seth Gillman**.

**Timeline:** The OIG plans to issue reports on both hospice topics this year.

Note: The Work Plan is online at <http://go.usa.gov/Bj4z>. Order a recording of Balfour's recent Eli-sponsored audioconference, "The 2014 OIG Work Plan — What Does It Mean for Hospices?" at [www.audioeducator.com/hospice/2014-oig-work-plan-02-06-14.html](http://www.audioeducator.com/hospice/2014-oig-work-plan-02-06-14.html).