

## Eli's Hospice Insider

### Fraud & Abuse: OIG Reports On Hospice Survey Flaws Continue To Impact Hospices

**New fact sheets encouraging abuse reporting, legislation are inspired by the reports.**

Don't be surprised to see reports of abuse and neglect of hospice patients increase thanks to a new Medicare document.

In a new five-page "Safeguards For Medicare Patients In Hospice Care" fact sheet, the **Centers for Medicare & Medicaid Services** reviews hospice requirements, the definitions of abuse and neglect, and informs readers of how to report abuse and neglect.

The fact sheet comes after headline-grabbing reports from the **HHS Office of Inspector General** on hospice horror stories, including hospice patients with maggots and gangrene leading to amputations (see Eli's Hospice Insider, Vol. 12, No. 8).

CMS goes over hospices' regulatory requirements involving mistreatment, abuse, or neglect of patients and points out that "failure of a hospice to act on these requirements does not prevent hospice employees from independently reporting suspected violations of patient rights to the State Survey Agency or other authorities."

Further, "anyone making a complaint to a State Survey Agency may request to remain an anonymous complainant," CMS says in the fact sheet. "Each State Survey Agency maintains a toll-free complaint reporting hotline as well as other complaint reporting methods such as online, written, and fax submissions."

In many states, hospice staff are mandatory reporters and must report suspicions of abuse to state authorities, CMS adds.

In addition to providing a phone number and web address to help find reporting numbers, CMS instructs readers to "report issues related to actions or inaction on the part of a hospice agency that result in abuse or neglect directly to its State survey and certification agency for possible investigation."

**Problem:** The fact sheet includes a list of abuse and neglect scenarios. The **National Association for Home Care & Hospice** "would like to see CMS ... edit the examples of potential neglect to be more clear in the scenarios they describe as well as utilize scenarios that more accurately reflect potential issues of neglect by a hospice," the trade group says.

Meanwhile, now is a good time to "take advantage of this opportunity to discuss patient rights and hospice responsibilities related to abuse and neglect with their staff, contractors, volunteers and patients," NAHC recommends.

#### **Hospice Survey Bill Works Its Way Through Congress**

Another consequence of the reports is a bill that would increase hospice survey frequency. The Helping Our Senior Population in Comfort Environments (HOSPICE) Act (H.R. 5821) would require hospice surveys occur at least every 24 months; implement intermediate sanctions; increase transparency for surveys conducted by Accrediting Organizations; and toughen surveys for hospices that "have substantially failed to meet requirements."

Both the **National Association for Home Care & Hospice** and the **National Hospice & Palliative Care Organization** applaud lawmakers for taking the industry's concerns into account in crafting the bill. But "NHPCO does not support increasing survey frequency to every two years for all hospice providers across the board," the trade group says in a release. "Hospice providers that are following the rules should not be subjected to excessive administrative burden and forced to needlessly divert resources from patient care," NHPCO CEO **Edo Banach** says in the release.

Note: The fact sheet is at [www.cms.gov/files/document/hospice-fact-sheet-mln2078643.pdf](http://www.cms.gov/files/document/hospice-fact-sheet-mln2078643.pdf).