

Eli's Hospice Insider

Hospice News: Legislation Requiring More Frequent Surveys Pending In Congress

New requirements could block hospice access.

The fraud and abuse spotlight continues to shine on hospices in the wake of two scathing HHS Office of Inspector General reports last summer.

On Dec. 8, the U.S. House of Representatives passed H.R. 2477, the Beneficiary Enrollment Notification and Eligibility Simplification (BENES) Act of 2019. The bill incorporates provisions from this year's HOSPICE Act (H.R. 5821), which require hospices to undergo Medicare certification surveys every two years; imposition of civil money penalties; public reporting of accreditation survey findings; and increased surveyor training, among other items.

The bill "ensures Medicare beneficiaries receive high-quality care at the end of life," House Ways and Means Chair **Richard E. Neal** (D-Massachusetts) said upon its passage.

Lawmakers introduced the HOSPICE Act after the OIG reports listed quality of care failings at hospices, such as letting a feeding tube insertion site get infested with maggots and gangrene leading to a lower limb amputation.



Next: "Now that the House has passed legislation to increase transparency and patient safety in hospice, the Senate must also act before the end of the year standards," Sen. **Ben Cardin** (D-Maryland) said in a release. "Families in need of hospice care should be able to concentrate on the comfort and care of their loved one without the worry of unacceptable safety and medical standards."

The National Hospice & Palliative Care Organization backs increased surveyor training, but stepping up the survey frequency and imposing CMPs is too much, it says. "NHPCO supports smart oversight when it does not hinder access to high-quality care for patients and their families," NHPCO CEO **Edo Banach** 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," the trade group says in a release.

A day after the bill passed, the Los Angeles Times published a lengthy piece critical of poor quality hospice care, titled "Dying Californians suffer harm and neglect from an industry meant to comfort them."

A few weeks prior to that, the Centers for Medicare & Medicaid Services reissued a notice of its "Safeguards for Medicare Patients in Hospice Care" fact sheet that it first issued in back in February. The tool aims "to help you recognize and address deficiencies in care and protect your patients from harm," CMS says.

The five-page fact sheet at www.cms.gov/files/document/hospice-fact-sheet-mln2078643.pdf covers topics ranging from abuse definitions to neglect examples to reporting requirements.