

## Eli's Hospice Insider

### Legislation: Attending Physician, Cap Provisions From COVID Legislation To Affect Hospices

**Plus: Relief funding continues to evolve.**

Recently passed COVID-19 relief legislation contains many wide-ranging provisions affecting the nation and overall economy. But it also holds a raft of provisions that will more specifically impact hospice agencies.



Hospice-specific provisions include:

- For services "furnished on or after January 1, 2022, by an attending physician ... other than a physician or practitioner who is employed by a hospice program ... who is employed by or working under contract with a rural health clinic, a rural health clinic shall be paid for such services under the methodology for all-inclusive rates," says the new law. The same goes for a federally qualified health center.
- An extension from 2025 to 2030 of the IMPACT Act's provision to calculate the aggregate hospice cap amount based on the hospice payment update, the National Hospice & Palliative Care Organization notes in a release. Currently it's based on the Consumer Price Index for Urban Consumers (CPI-U), says the National Association for Home Care & Hospice in its law summary.
- Numerous survey changes (see story, p. 1).

General relief funding provisions include:

- An additional \$3 billion in Provider Relief Funds and changed rules for calculating lost revenues.
- An additional \$280 billion in Paycheck Protection Program funds and relaxed rules for those that may be eligible. "Many home care and hospice companies qualify as 'small business' under [Small Business Administration] standards and have taken advantage of the Paycheck Protection Program that began through the CARES Act that was passed in March," NAHC points out.

The new law permits a "second draw PPP loan" for "smaller and harder-hit businesses," note attorneys with law firm Ball Spahr in online legal analysis. It also expands eligible expenses to items such as personal protective equipment (PPE), software, and additional human resources and accounting needs, the Ball Spahr attorneys add.

- A continuation of the moratorium on the 2 percent sequestration cut through March 31. The Centers for Medicare & Medicaid Services confirmed the extended suspension of the adjustment in a Dec. 28 message. "The suspension of the ongoing 2 percent sequestration of Medicare payments will bring an estimated \$100 million in relief to hospices and \$90 million in relief to home health agencies through the first three months of 2021," NAHC cheers.

Many of the law's industry-specific provisions are very welcome. "This legislation will enable hospice providers to continue providing uninterrupted care during this unprecedented time," NHPCO President **Edo Banach** says in a release. The sequestration moratorium extension will "enable providers to keep their doors open and offer care to communities in need as COVID-19 infections continue to rise," he adds.

"The most notable successes in the legislation are the extension of the moratorium on the 2 percent Medicare sequestration cut and the hospice survey provisions that reduced mandatory surveys from every two years to every three years while authorizing more frequent surveys targeted to non-compliant hospices," judges NAHC President **William Dombi** in a message to members. "The additional support available through the SBA Paycheck Protection

Program will also help many home care and hospice companies.”

And the attending change “will allow RHC and FQHC physicians and practitioners to serve as the hospice attending physician to patients served by such centers,” NAHC cheers.

**However:** “While the outcome is positive, there is much to do next year to ensure that home care and hospice can fully operate during the pandemic and beyond,” Dombi cautions. For example, hospices need payment for respite care at home, not just in facilities, he says.

All providers would benefit from more PRF funding and a full year of the sequestration 2 percent suspension, Dombi continues.

**Stay tuned:** Providers may get a second shot at these and other wish list items in another COVID relief package relatively soon, experts predict.