

Eli's Hospice Insider

Notices of Election: Warning: Changes To Election Statement Could Reduce Hospice Utilization

Cost-sharing is just one of the 4 new elements Medicare wants to require.

Hospices will need to make significant changes to their election statements, if a new proposal is finalized.

In its 2020 hospice payment proposed rule, the **Centers for Medicare & Medicaid Services** wants hospices to add more information to the election statements beneficiaries must sign when choosing hospice. The change aims "to increase coverage transparency for patients under a hospice election," CMS says in the rule published in the April 25 Federal Register.

CMS is proposing these additions:

- Information about the holistic, comprehensive nature of the Medicare hospice benefit.
- A statement that, although it would be rare, there could be some necessary items, drugs, or services that will not be covered by the hospice because the hospice has determined that these items, drugs, or services are to treat a condition that is unrelated to the terminal illness and related conditions.
- Information about beneficiary cost-sharing for hospice services.
- Notification of the beneficiary's (or representative's) right to request an election statement addendum that includes a written list and a rationale for the conditions, items, drugs, or services that the hospice has determined to be unrelated to the terminal illness and related conditions, and that immediate advocacy is available through the BFCC-QIO if the beneficiary (or representative) disagrees. (See more about the addendum in story, below)

CMS is planning the changes after many anecdotal reports of patients being ambushed by non-covered items such as diabetes test strips, walkers, palliative radiation, chemotherapy, blood transfusions, and more, the rule indicates.

Hospice experts are cautiously supportive of the election statement additions. "The expanded election of benefit language is reasonable," judges **Lynn Stange**, president of consulting firm **Weatherbee Resources** in Hyannis, Massachusetts.

"The intent is sound," agrees **Theresa Forster** with the **National Association for Home Care & Hospice**.

"No one can quibble with the basic idea that beneficiaries should understand what hospice covers and does not," maintains attorney **Brian Daucher** with **Sheppard Mullin** in Costa Mesa, California.

However, the uncertainty suggested by the non-coverage language could deter hospice use, experts fear. "It's short-sighted of Medicare to take steps that will reduce utilization of hospice - the least expensive and most well-liked Medicare benefit," Daucher tells **Eli**. "When eligible beneficiaries decline hospice, no one benefits."