

Eli's Hospice Insider

Surveys & Certification: Expect A Special Focus Program Proposal Next Year

TEP panel will help inform the process.

Hospices hoping Medicare officials will take a slow and steady approach to the forthcoming "Special Focus Program" targeting poor-performing hospices for increased survey scrutiny had their hopes dashed by the 2023 final rule.

Reminder: After scathing reports from the HHS Office of Inspector General on hospice quality of care and high-profile scrutiny from news outlets, the Centers for Medicare & Medicaid Services proposed a vast array of survey changes ranging from enforcement remedies to surveyor qualifications to a new targeting program. CMS had to include the proposal in the 2022 home health rulemaking cycle to meet statutory deadlines. In the November 2021 final rule, most of the proposed changes went through without modification. But CMS did hold off on its Special Focus Program.

In its 2023 hospice proposed rule released in April, CMS said it was moving forth with the SFP via a TEP, and that it planned to propose the program in the 2024 rulemaking cycle.

CMS sticks to that plan in its new hospice final rule released July 27. "We have decided to initiate a hospice Technical Expert Panel (TEP) in CY 2022. Accordingly, CMS plans to use the TEP findings to further develop a proposal on the methodology for establishing the hospice SFP, and we plan to include a proposal implementing an SFP in the FY 2024 Hospice Wage Index and Payment Rate Update proposed rule," says the rule.



CMS Acknowledges Often-Addressed Quota Issue

Commenters on the proposed rule submitted a host of criticisms and suggestions on the SFP topic, and CMS

acknowledges a few in the rule published in the July 29 Federal Register.

"A couple of commenters encouraged CMS to forgo the use of a quota system, as utilized in the Special Focus Facility (SFF) Program for nursing homes, in the new SFP for hospices," CMS recounts. "The commenters recommended CMS consider a national centralized SFP selection methodology rather than deferring to state priorities or agencies," the rule notes.

"Other commenters expressed support for standardizing the survey process, including standardizing surveyor training, before fully implementing the SFP to ensure there are no variances to how entities conduct their surveys," CMS adds.

CMS is noncommittal in the final rule, but notes "we will consider the comments and TEP feedback as CMS develops the SFP methodology."

Topics commenters addressed but CMS doesn't mention in the final rule, include public reporting of SFP status and results, transparency of the TEP process, and how to "graduate" from the program.

Critical: And perhaps most importantly, CMS doesn't acknowledge the many commenters that urged the agency to slow down the SFP process to make sure it's done right instead of fast.