

## Eli's Hospice Insider

### Surveys & Certification: Hospices Get A Breather On Survey Targeting Program

**But that reprieve will be relatively brief, proposed rule suggests.**

Sooner than you might think, Medicare will be implementing a program to target poor performing hospices for extra scrutiny.

**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 home health rulemaking cycle to meet statutory deadlines. In the November final rule, most of the proposed changes went through without modification. But CMS did hold off on its Special Focus Program.

"We are not finalizing our proposal for the Special Focus Program," CMS said in its fact sheet about the 2022 final rule. "Numerous comments indicated CMS should not finalize the proposed provision until a Technical Expert Panel (TEP) is convened to further define the parameters and provide a targeted approach based on national measures. Therefore, we are establishing a TEP with stakeholder engagement that integrates the public comments and will finalize this program through future rulemaking" (see HOP, Vol. 14, No. 12).

Now CMS lays out its new timeline in the hospice proposed rule for 2023 released on March 31. "We have decided to initiate a hospice Technical Expert Panel (TEP) in CY 2022," the rule says. "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 a SFP in the FY 2024 Hospice rulemaking proposed rule."



Of course the implementation date could extend beyond 2024, but be included in the rule for that year.

In any case, "CMS' plan to convene a ... TEP to assist with development of the Hospice Special Focus Program (SFP) and its expressed intent to seek public notice and comment on the program as part of next year's rule sends a clear message that CMS is committed to developing a SFP that is tailored specifically to the hospice program," National Association for Home Care & Hospice President **Bill Dombi** says in prepared comments. "We applaud these actions."

The National Hospice and Palliative Care Organization "is pleased to see that CMS is forming a TEP for this issue, with the expectation that the implementing regulations for the Special Focus Program will be published in the FY 2024 Hospice Wage Index proposed rule in the spring of 2023," says NHPCO's **Judi Lund Person**.

However, hospices are not looking forward to the increased scrutiny that is sure to accompany the SFP.

Note: The proposed rule is at [www.govinfo.gov/content/pkg/FR-2022-04-04/pdf/2022-07030.pdf](https://www.govinfo.gov/content/pkg/FR-2022-04-04/pdf/2022-07030.pdf).