

Eli's Hospice Insider

TRENDS: Hospice Eligibility Is in the Hot Seat

Don't let this compliance issue burn your hospice.

There's no shortage of reasons for hospices to pay close attention to patients' hospice eligibility, an issue that has moved to the front burner for payers and prosecutors.

First, there's the specter of the \$24.8 million SouthernCare qui tam lawsuit settlement involving allegations that the hospice kept patients on the benefit who didn't need it. Experts also predict the Recovery Audit Contractor program will likely target the hospice eligibility issue, which provides easy pickings (see the last issue of Eli's Hospice Insider for details).

Not only that: Organizations that consistently have longer-than-average lengths of stay will likely prompt a medical review, if a hospice organization shows persistently higher-than average lengths of stay compared to what the Centers for Medicare & Medicaid Services reported as the average, predicts **M. Aaron Little, CPA**, senior managing consultant with BKD LLP in Springfield, Mo.

"The longer lengths of stay are not only an issue from a medical review perspective," adds Little. They "can also put a provider in a situation where it exceeds the per beneficiary cap, which is an average over the reporting year."

Handwriting on the legislative wall: The Medicare Payment Advisory Commission has also been examining increasing lengths of stay and proposed payment reform related to the issue. Everyone admits that predicting life expectancy is an inexact science, says attorney **Robert Markette Jr.** with Gilliland, Markette & Milligan in Indianapolis. But if your patients' average length of stay has gradually trended up past the sixmonth point, it's time to take a look at your admission practices.

"Be vigilant about who you are admitting," he advises. Realize the difference between a patient with an incurable disease and one who is eligible for hospice with a six-month terminal prognosis. (For tips on how to steer clear of a whistleblower lawsuit, see the next Eli's Hospice Insider.)