



## Hospice Weekly: Recap of LeadingAge Updates

March 31, 2023

**Upcoming LeadingAge Policy Update Call on Monday, April 3, at 3:30pm ET.** We are finalizing plans for our April 3, 3:30 Policy Update Call and will update you as soon as we have additional information. You can also find previous call recordings of every 3:30 LeadingAge call [here](#). Note that to access recordings of the calls you need a LeadingAge password. Any staff member of any LeadingAge member organization can set up a password to access previous calls and other “members only” content.

**CMS Says PHE Waivers Still in Place Will Remain in Place Until May 11.** On March 29 the Senate joined the House in approving a resolution to end the COVID National Emergency. LeadingAge members are asking if some of the waiver flexibilities authorized under the Public Health Emergency will also end a month earlier than planned. **They will not.** LeadingAge asked CMS staff on March 30 whether the Congressionally-approved resolution – if the President signs it as expected - means waiver flexibilities will also end. The waivers LeadingAge members are concerned about (including but not limited to the 3 day stay waiver, home health therapy assessment waivers, and hospice volunteer requirement waiver) are connected to the Public Health Emergency, not the COVID National Emergency. These waivers will end at the end of the Public Health Emergency on May 11, as planned and previously announced.

Regarding the 3 day stay waiver, LeadingAge has written to the [Secretary of HHS](#) and to [leaders in Congress](#) seeking changes to extend the waiver or eliminate the requirement. We are working with HHS and Congress to continue to press to eliminate this outdated, unnecessary policy.

Regarding home health therapy assessments, LeadingAge will advocate for their continuation with Congress. We have asked [CMS to clarify the rules around the use of telehealth in routine home care for hospices](#) and to use enforcement discretion as hospices ramp back up to full volunteer loads.

**OIG Publishes New Hospice Featured Topics Page.** The Department of Health and Human Services, Office of Inspector General (OIG) released a [new Featured Topics page](#) that details their oversight of the hospice program. This new page includes:

- OIG’s key priorities to improve the hospice program and protect its integrity.
- Featured reports detailing serious vulnerabilities in the program and findings of patient risk.
- Our unimplemented recommendations from years of evaluations and audits of the hospice program.
- Resources for patients and families to ensure their loved ones receive high-quality care.

OIG’s oversight of the hospice program is crucial to protect the 1.7 million patients who receive hospice care each year and the \$23 billion that Medicare spends annually for this care. Years of evaluations and reports have revealed risks to patients and structural concerns, such as ulterior incentives created by the payment structure. OIG has made several recommendations to CMS to improve care and better protect patients, many of which remain unimplemented.

**Study Finds Hospices Lack Standards for Benzodiazepine, Antipsychotic Use.** A study [published](#) in the Journal of the American Geriatric Society found that while benzodiazepines and antipsychotics are routinely prescribed for symptom management in hospice, there is little high-quality evidence to guide their use. A review of usage for these medications found that for-profit and larger hospice agencies were overrepresented in the highest benzodiazepine- and antipsychotic-prescribing hospice agencies. Additionally, greater proportion of rural beneficiaries were in the highest benzodiazepine-prescribing quintile but not for antipsychotics.

**Kaiser Releases Poll Results: Show Political Majorities on Both Sides Support Medicare and Medicaid.** In an article released today – [KFF Health Tracking Poll March 2023: Public Doesn't Want Politicians To Upend Popular Programs](#) – the authors lay out statistical analysis of support for both government funded programs. While support for Medicare remains strong on both sides of the aisle, Medicaid support dwindles among individuals without a personal familial or friend's use of the program. Of note, for individuals not reporting a connection to Medicaid, their views trend towards 'Medicaid as primarily a government welfare program' compared with 'Medicaid as primarily a government health insurance program that helps people pay for health care.' The data is timely as Congress engages in debt limit and budgetary negotiations.

**Hospice, 3-Day Stay, Staffing Ratios, HCBS During Hearing with HHS.** Marcy 28, HHS Secretary Xavier Becerra appeared before the House Ways and Means Committee to discuss the President's FY24 budget proposal. Highlights from the hearing:

- Both Representative Earl Blumenauer (D-OR) and Representative Beth Van Duyne (R-TX) brought up hospice program integrity and pressed the Secretary to crack down on "shadow" or "ghost" hospices and pledged bipartisan Congressional support to do so. This aligns with [LeadingAge's work on hospice program integrity](#).
- Representative Linda Sánchez (D-CA) praised the budget proposal to add \$150 billion dollars to fund Medicaid home and community-based services but emphasized that given the aging demographics and need for personal care services amongst our aging population, expanding Medicaid HCBS was not enough to solve the problem. She pressed Secretary Becerra to think about how to fund necessary long-term care outside of the Medicaid program (the only government funding mechanism currently). LeadingAge applauds Rep. Sánchez for recognizing the imperative of long-term care financing reform and looks forward to working with her office on these ideas.
- Representative Adrian Smith (R-NE) asked about some COVID waivers, including the 3-day stay, and the impact of these waivers ending with the PHE on access to care. Secretary Becerra indicated he would need Congress's help, and we will follow up with Rep. Smith to pursue his interest.
- A number of members asked about the President's nursing home reform proposal. The Secretary spoke a lot about the transparency rule as well as the budget request for more money for program integrity (he also mentioned this budget request in relation to hospice program integrity oversight). Secretary Becerra also mentioned the forthcoming staffing proposal in some of his answers; we will continue to promote our [Get Real on Ratios](#) legislative proposal and other efforts to educate Committee members.

**Coalition Letter on Hospice Routine Home Care and Telehealth.** On March 20, LeadingAge, in partnership with other national stakeholders, sent a letter to CMS last week asking for written

confirmation that hospices can revert to pre-pandemic policies around telehealth utilization during routine home care visits. The flexibilities around counting routine home care visits via telehealth as visits that were allowed during the pandemic will end on May 11 with the PHE so we are seeking clarification on CMS' policy post May 11th. The hospice face to face recertification can be conducted via telehealth through December 2024. The letter can be found [here](#).

**New CAHPS Hospice Survey Star Ratings Podcast.** The CAHPS Hospice Survey Project Team has developed a [podcast](#) for Star Ratings. This podcast discusses CAHPS Hospice Survey Star Ratings, including details about the timeline, preview reports, how star ratings are calculated, and how to request CMS review of your scores. See a transcript of the podcast [here](#).

**Clarification around CMMI VBID extension.** In response to member questions, we reached out to CMMI and asked specifically if the hospice benefit component is going to be extended until 2030 along with the rest of the model. A more specific answer regarding the hospice benefit component will be forthcoming in the near future.

**House Speaker to the President: “You are on the clock.”** On March 28, House Speaker Kevin McCarthy wrote a letter to President Biden urging him to negotiate spending cuts in order to raise the debt limit. Speaker McCarthy and President Biden last met to discuss the debt limit in February. Speaker McCarthy and his Republican colleagues have vowed to use the debt ceiling to achieve their own priorities, like major spending cuts, and they want President Biden to come to the bargaining table before the country defaults. In his March 28 letter, Speaker McCarthy laid out five broad ideas to save money: 1) Cut non-defense spending; 2) Claw back unspent pandemic aid; 3) tighten work requirements for entitlement programs; 4) Enact policies to lower energy costs; and 5) Secure the boarder to stop illegal importation of fentanyl. The letter doesn't go into any details on Speaker McCarthy's proposals, some of which would result in [devastating cuts to programs that support older adults and their families](#), including [cuts to affordable senior housing programs](#). In response to the letter, the President's press secretary said in a statement that President Biden is willing to talk about fiscal policy, but not as a condition of raising the debt limit. [Click here to read Speaker McCarthy's letter in full.](#)

**HHS Secretary Becerra Continues Testifying on Capitol Hill.** After providing testimony on March 23 at the [Senate Finance Committee](#) and the Senate Appropriations Labor-HHS Subcommittee, HHS Secretary Xavier will be testifying at several more hearings the week of March 27 on the President's 2024 Budget Proposal:

- **House HHS Appropriations Subcommittee:** On March 28 at 10am ET, the [House Appropriations Labor, Health and Human Services, Education, and Related Agencies Subcommittee will hold a hearing](#) on the Health and Human Services (HHS) Department's fiscal 2024 budget request with testimony from HHS Secretary Becerra. [Click here for more.](#)
- **House Ways and Means Committee:** On March 28 at 2pm ET, the House Ways and Means Committee will hold a hearing on President Biden's fiscal 2024 budget request with testimony from HHS Secretary Becerra. [Click here for more.](#)
- **House Energy and Commerce Health Subcommittee:** On March 29 at 10am ET, the House Energy and Commerce Health Subcommittee will hold a hearing on the Department of Health and Human Services' fiscal 2024 budget request with testimony from HHS Secretary Becerra. [Click here for more.](#)

**Important Updates on the Hospice Quality Reporting Program (HQRP).** Swingtech sends informational messages to hospices related to the Quality Reporting Program (QRP) on a quarterly basis. Its latest outreach communication can be found on the [HQRP Requirements and Best Practices](#) web page. This quarterly update includes information on FY 2024 hospice quality reporting reminders, updates on the PHE unwinding, information on the most recent Care Compare Refresh and future meeting dates for the program. If you want to receive Swingtech’s quarterly emails, then add or update the email addresses to which these messages are sent by sending an email to [QRPHelp@swingtech.com](mailto:QRPHelp@swingtech.com). Be sure to include the name of your facility and the Centers for Medicare & Medicaid Services (CMS) Certification Number (CCN) along with any requested updates.

**Cuts a “Five-Alarm Fire” for Older Adults, White House Says.** Contemplated House cuts to domestic discretionary programs in FY24 would equate to a [“five-alarm fire” for older adults](#), the White House said on March 23. Individual [departmental assessments](#), requested and received by House Committee on Appropriations Democrats, describe how the House Freedom Caucus’s suggested cuts would impact programs. The March 23, White House assessment takes a cross-department view of the discussed cuts’ impact on older adults and says the suggested cuts would worsen Social Security and Medicare wait times, rob seniors of healthy meals, cut housing for seniors, and reduce other vital services for older adults. “By suggesting cuts that would rob a million older adults of nutrition services, deny thousands of seniors access to paid work opportunities, and put seniors across the country at risk of homelessness, the Republican proposal shows that they are willing to turn their backs on this vulnerable portion of our population at a time when they need the support the most,” a March 23 [press release](#) from Appropriations Democrats says.

**Strategic Foresight: A Critical Tool for Innovative Strategy Webinar.** Does your organization have the strategic foresight to anticipate future changes? Join strategy and governance experts Olivia Mastry, JD, MPH, and Anne Jin Soo Preston on April 11 at 2 p.m. ET for a virtual workshop to help your organization take strategic action now based on anticipated changes to our sector. [Learn more and register.](#)

**Committing to Diversity, Equity, and Inclusion (DEI).** There has never been a more important time to raise our individual and collective awareness, explore shared values, and identify scalable ways to cultivate ongoing practices of diversity, inclusion, and belonging. [Committing to Diversity, Equity, and Inclusion \(DEI\) is a new Shared Learning Series](#) designed to guide LeadingAge provider members through a six-part educational series of peer-to-peer learning and self-reflection that will enhance your understanding of the principles and practices associated with diversity, equity, and inclusion. [Learn more and register by April 28.](#)