



Hospice Weekly: Recap of LeadingAge Updates

October 6, 2023

LeadingAge Policy Update Calls; all calls are at 3:30 p.m. ET. NO CALL ON MONDAY, OCTOBER 9, which is a holiday for many people. On **Wednesday, October 11**, let's get a firsthand report about Congress in Your Neighborhood. Join us as we chat with **Melanie Hall from the Hospice of Huntington in West Virginia**. She hosted Senator Shelly Capito for a ribbon cutting at her new adult day center. We'll talk about that visit – how the organization prepared, the kinds of information they shared, what kinds of questions came up answer your questions about how effective and energizing hosting members of Congress can be. We'll also drill down a bit on the idea of and considerations for a hospice expanding into adult day services.

Members and other interested individuals can sign up to join LeadingAge's Policy Update calls [here](#). 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.

CMMI to Join LeadingAge Members to Discuss Hospice Benefit in MA Demonstration. On October 10th at 2pm ET, the LeadingAge Hospice Member Network will host staff from the Center for Medicare and Medicaid Innovation (CMMI) to discuss the Value Based Insurance Design (VBID) Hospice Benefit Component. In September, CMS [released](#) a list of Managed Care Organization's that will participate in next year's VBID demonstration. There are three fewer plans participating in the hospice component this year than last year, along with two new plans. As members will remember, starting in 2026, participating plans will have more flexibility to require their enrollees to only receive hospice services from hospice providers in their network, as long as the plan meets CMS's qualitative and quantitative network adequacy requirements. We hope to have all our member join the call on October 10th to hear more about the future of this demonstration. [To register click here](#).

LeadingAge WIN! Congressional Letter Supports LeadingAge position on Special Focus Program sent to OMB and CMS. On October 4, Representatives Van Duyne (R-TX), Blumenauer (D-OR), Wenstrup (R-OH), and Panetta (D-CA) sent a [letter](#) to CMS Administrator Brooks LaSure and OMB Director Shalanda Young about CMS's proposal around the hospice special focus program. The Congressional offices noted that the algorithm as proposed would not succeed in targeting the poorest performing hospices which is the goal of the proposed SFP. ***The letter highlights concerns LeadingAge raised in [our comment letter regarding the overweighting of CAHPs and issues with existing survey data](#).*** The letter asks that CMS revisit the algorithm with the Technical Expert Panel (TEP) based on these concerns and give hospices a preview prior to the formal launch of the program. Since the SFP was created via the HOSPICE Act, adding the Congressional voice to the mix of those asking for reform of the proposal is critically important and we thank Representatives Van Duyne, Blumenauer, Wenstrup, and Panetta for voicing their concerns and their support for an accurate program. LeadingAge supports the idea of the SFP but if it is not done right, we fear that beneficiaries would actually be harmed because they might end up selecting poorer performing hospices if the wrong hospices end up on the eligible list or in the program. See more information on the letter [here](#) and our press statement [here](#).

Stay In the Loop on LeadingAge's Latest Hospice Benefit Improvement and Reform Activity. A primary focus of LeadingAge's hospice advocacy aims to ensure the benefit can be maximized for both providers and the people they serve. Follow this [post](#) for the latest advocacy efforts on benefit improvement as well as benefit reforms that guarantee program integrity and increase access.

LeadingAge Meets with Center for Clinical Standards and Quality on Hospice Special Focus Program. LeadingAge, along with our national association partners, met with the Centers for Medicare and Medicaid Services, Center for Clinical Standards and Quality on September 29 to discuss our concerns with the proposed implementation of the hospice special focus program. We discussed our support for the program but discussed flaws in CMS's proposed algorithm that we had outlined in our [comment letter](#). Earlier this week, the final CY2024 Home Health Rule went to the Office of Management and Budget. CCSQ staff were unable to comment on the proposals due to the rule's submission to OMB but did say they appreciated the detailed comments and that they put a lot of attention and effort in to addressing those concerns.

CMS Announces October Home Health, Hospice & DME Open Door Forum. The next Health, Hospice & DME Open Door Forum will be Wednesday, October 11, 2023, at 2 p.m. ET. The agenda will include instructions on demographic changes in the Hospice Quality Reporting Program (HQRP), HQRP public reporting refreshes for November 2023 as well as outreach on the HQRP planned for November 2023. Home health topics include updates on OASIS including a new 2024 OASIS Manual, public reporting updates, as well as an update on the Review Choice Demonstration for Home Health Services Implementation in Oklahoma and Expanded Home Health Value-Based Purchasing (HHVBP) Model updates. **NEW ODF INSTRUCTIONS:** This call will be a Zoom meeting, to register in advance please use this link and remember to select October 11 in the Date & Time section: https://cms.zoomgov.com/webinar/register/WN_viiJc9tRpe7lOrSXP7sUQ

House Leadership in Flux. On October 3, Kevin McCarthy (R-CA) was removed as Speaker of the House through a motion to vacate. As part of his negotiations to become Speaker in January, Former Speaker McCarthy changed the rules to allow for a motion to vacate to be brought by any one Member of the House. Rep Matt Gaetz (R-FL) brought this motion and the role of the Speaker of the House was vacated at around 5 p.m. ET on Oct 3 by majority vote. Soon after, Former Speaker McCarthy announced he would not run again. Rep Patrick McHenry (R-NC) is serving as speaker pro tem but he cannot bring any legislation to the floor in this position. Committee work can continue when the House is in session. Representatives Scalise (R-LA) and Jordan (R-OH) have announced they will run for Speaker. The Speaker elections are currently expected to start on Wednesday Oct 11; the House is in recess until Tues Oct 10. This is more than just political positioning in Washington, DC. LeadingAge members need the House to act – for instance at the approaching end of the Continuing Budget Resolution and on many other bills that help older people get the housing, care, and services they need.

CMS Hosts Quarterly National Stakeholder Call with the CMS Administrator on October 17, 2023. Join the Administrator of the Centers for Medicare & Medicaid Services (CMS), Chiquita Brooks-LaSure and CMS Principal Deputy Administrator and Chief Operating Officer, Jon Blum, and other members of the leadership team, October 17 at 1 p.m. ET for an update on CMS's recent accomplishments and how their cross-cutting initiatives are advancing [CMS' Strategic Plan](#). Click [here to RSVP](#).

DOL Submits Final Independent Contractor Rule to White House for Review. A final rule that will revise the federal framework for determining whether a worker is an employee or an independent contractor is now under review by the White House Office of Management and Budget (OMB). The U.S. Department of Labor (DOL) issued a proposed rule on this subject in October 2022, accepted comments through mid-December, and submitted the final rule to OMB on September 28, signaling that it has completed its work. As proposed, the rule would rescind a 2021 Independent Contractor Status rule and, among other changes, restore a “totality-of-the-circumstances” analysis to determining whether a worker is economically dependent upon an employer for work, versus being in business for themselves, under the Fair Labor Standards Act (FLSA). This standard is important because the FLSA’s minimum wage and overtime pay protections do not apply to independent contractors, and many observers expect the new rule to result in more individuals being classified as employees than is the case under the current rule. It is not known when the final rule will actually be published, but OMB review is the final step in the rulemaking process. We will monitor closely for release of the final rule and provide analysis for members when it emerges.

Last Week’s Hospice Weekly Update. Here is the September 29, 2023 [Hospice Update](#).