



National Alliance for Care at Home

Policy Alert

To: Alliance Provider and State Members

From: Alliance Policy Team

Date: November 1, 2024

Overview

Today, representatives Beth Van Duyne (R-TX) and Jimmy Panetta (D-CA) introduced the bipartisan [Enhancing Hospice Oversight and Transparency Act](#). This legislation aims to delay the implementation of the CMS hospice Special Focus Program (SFP). This would allow time to correct its current flawed design that creates a high risk of failing to identify poor performing hospices that should be subject to increased oversight and puts patients and families at risk.

[Research](#) conducted by McDermott+ (M+) has detected significant concerns with CMS' SFP methodology intended to identify poor performing hospices, particularly its dependence on incomplete survey data. SFP is intended to allow targeting of these providers for more frequent quality of care reviews. The report emphasizes that "the high rate of hospices not being timely surveyed reduces confidence that the SFP will accurately identify the lowest performers, allowing some poor performers to fly under the radar." The M+ analysis further reveals that not surveying all hospices within the 36-month timeframe required by law leaves nearly 30% of hospices in their sample without a fully accurate performance assessment, underscoring the importance of timely evaluations to maintain accountability and support quality care. Additionally, some choices CMS made in designing the evaluation model were deemed "not methodologically sound," raising further questions about its effectiveness.

[The Alliance has been instrumental](#) in supporting this bill's introduction ahead of CMS's planned release of the SFP list, emphasizing the need for an oversight system that genuinely protects patients and families. Through [extensive research](#), collaboration with stakeholders, and active engagement with Congressional leaders, the Alliance has identified critical gaps in the SFP methodology, advocating for a fair and transparent oversight process. This delay would provide CMS, Congress, and stakeholders the

opportunity to refine the program, ensuring that patients have access to high-performing hospices and quality providers are not unfairly penalized.

Key Provisions

The *Enhancing Hospice Oversight and Transparency Act* includes several targeted reforms to strengthen the SFP:

Adjusted SFP Implementation Date: Delays the program start date to January 1, 2027, earlier if CMS can certify all hospices have received an up-to-date survey, to allow additional time for CMS to fix the program.

Pre-Identification Preview Reports: Mandates that CMS provides hospices with a confidential preview report at least 60 days prior to any public identification under the SFP.

Increased Penalties for Non-Compliance: Increases penalties for failing quality data reporting requirements from 4% to 10% beginning in fiscal year 2027 to enhance accountability.

Next Steps

The Alliance will continue working with Congress and CMS, advocating that the SFP accurately targets providers requiring oversight without penalizing high-performing hospices. This legislation supports our commitment to safeguarding patients and families while fostering an accurate, transparent oversight system. We'll share further updates and action items as the bill advances.

For questions or additional information, please contact Logan Hoover, lhoover@nhpco.org.