

## Hospice and Palliative Care Resources for the Coronavirus Disease (COVID-19)



### NHPCO COVID-19 Update – 03/26/20

*NHPCO has created this update for hospice and palliative care providers to share recent news and helpful links.*

*“You are there for your community. NHPCO is there for you.”*

#### Policy Updates

##### **Putting Your Patients and Their Families First**

NHPCO understands and appreciates the extraordinary pressures each hospice provider is under during this unprecedented health crisis, and that uncertainty about interpretation and enforcement of Medicare regulatory and other legal requirements is creating additional stress. NHPCO have been working with members of Congress and with CMS to advocate for you and get guidance, and we will continue to do so, but we may not have definitive answers to all of our questions in the short-term.

In the absence of specific guidance in the law or from CMS, NHPCO can't provide assurances as to how CMS will interpret certain requirements, or how surveyors or auditors may later view provider actions taken during this period of emergency, and each hospice will have to make its own decisions. However, CMS and other federal and state agencies have expressed a willingness to provide flexibility in a number of areas and have stated that they'll exercise their enforcement discretion regarding regulatory compliance in others. We believe this will be the case for hospice providers as well.

Our recommendation during these extraordinary times is to **continue to put patient care first**. And if the circumstances posed by Covid-19 prevent you from being able to comply with certain regulatory or other legal requirements, and you're unable to get guidance from regulators, carefully document everything you are doing, and why you are doing it, but continue to do what is best for patients and families. While we can't promise you that CMS or other regulators won't question your choices or even take regulatory action down the road, we do believe CMS will be flexible in interpreting and enforcing regulatory compliance as long as you have documented why you were unable to meet a particular requirement, and how you attempted to continue providing safe, quality services to your patients that was consistent with the plan of care.

On a call with nurses today, facilitated by Jean Moody-Williams, a caller from NY stated many families are denying home visits and the caller is worried about compliance with CoPs, as well as concern with regulatory compliance and future audits. CMS response was that CMS is aware families are denying visits. We (CMS) continue to look at telehealth options. Some regulatory requirements have been relaxed and we (CMS) hope to get information out to you in the next couple weeks.

##### **Senate Legislation Supports Hospice Care Providers**

After four days of intense negotiation, the Senate, last night, unanimously passed the third COVID-19 related package, H.R. 748, the *Coronavirus Aid, Relief, and Economic Security Act* or the “CARES Act.” This is the largest aid package in American history. The House is expected to pass the legislation tomorrow and then President Trump will then sign the legislation into law. The legislation includes a number of provisions that will help hospice providers amid the COVID-19 crisis:

- Face-to-face hospice telehealth provision
- Suspending sequestration cuts
- \$100 billion stimulus to provide aid to health care organizations

Read the [NHPCO press release](#). NHPCO Members will find a detailed guide in the [NHPCO Policy Alert](#) (03/26/20) available on the Regulatory Alerts and Updates page. NHPCO will work with CMS to implement the law either through rulemaking or offering guidance to providers. We will send updates as soon as they are available.

## **Resources**

### **New/Updated Resource from the CDC**

- [Interim Guidance for Businesses and Employers](#)
- [Resources for Hospitals and Healthcare Professionals Preparing for Patients with Suspected or Confirmed COVID-19](#)
- [Personal Protective Equipment \(PPE\) Burn Rate Calculator](#)

### **Additional Links**

- [New York Times Article “\*Coronavirus Could Overwhelm U.S. Without Urgent Action, Estimates Say\*”, March 20, 2020.](#)
- [Johns Hopkins Coronavirus Resource Center](#)

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