

June 26, 2020

Alex M. Azar
Secretary
US Department of Health and Human Services
200 Independence Avenue, SW
Washington, D.C. 20101

Dear Secretary Azar:

The National Hospice and Palliative Care Organization (NHPCO) is writing today to strongly encourage you, as Secretary of the Department of Health and Human Services (HHS), to extend the Public Health Emergency beyond its current July 25, 2020 expiration date. Extending the Public Health Emergency will provide essential support to hospices and palliative care providers as they continue to serve patients safely and effectively, as communities continue to grapple with the coronavirus (COVID-19) pandemic.

NHPCO is the nation's largest membership organization for hospice providers and professionals who care for people affected by serious and life-limiting illness. Its broad community of members includes local hospice and palliative care providers, networks serving large regions of the United States, and individual professionals. NHPCO's members provide care in more than 4,000 hospice and palliative care locations and care for over two thirds of the Medicare beneficiaries served by hospice. In addition, hospice and palliative care members employ nearly 60,000 professionals and hundreds of thousands of volunteers.

HHS, through waiver authority granted during the Public Health Emergency, effective January 27, 2020 and extended effective April 26, has provided the hospices and palliative care community with necessary resources and flexibilities. Both your Public Health Emergency declaration and President Trump's national emergency declaration paved the way for the Centers for Medicare and Medicaid Services (CMS) to approve Section 1135 waivers for hospice providers, allowing critical services to be provided via telehealth, and flexibility for some Medicare hospice Conditions of Participation. The waivers have enabled hospice and palliative care providers to respond effectively to the urgent and complex needs of our patients and their families – those suffering from COVID-19 as well as other serious illnesses. These flexibilities have allowed hospice providers to serve vulnerable patients where they are, to continue to receive hospice services, and limit the exposure to COVID-19 by patients, families and staff.

If the Public Health Emergency were to end prematurely, hospice providers would face the following consequences:

1. The CARES Act (Section 3706) allows for the hospice face-to-face encounter to be conducted through telehealth during the emergency period. Hospice providers have found this provision essential to continuing recertification of eligibility. While NHPCO, on behalf of its members across the nation and especially those serving “hot spots,” has requested that this provision be made permanent, its status after the end of the Public Health Emergency is unclear.
2. Section 1135 waivers allow additional flexibilities for provisions in the Medicare Hospice Conditions of Participation. These 1135 waivers are critical to providers’ efforts in delivering the full range of hospice services, through virtual visits, using telehealth and by waiving some requirements, like hospice aide training. We ask for your consideration of the potential impact of the expiration of the 1135 waivers and look forward to working with your staff to ensure our providers can continue to offer uninterrupted care to their patients and families before declaring the end of the Public Health Emergency.
3. There is still a shortage of personal protective equipment (PPE) available to hospice and palliative care providers necessary to keep patients, families and healthcare workers safe. The shortage of PPE should be resolved before the end of the Public Health Emergency is declared.
4. Hospice and palliative care providers are experiencing a shortage of COVID-19 test kits. Hospice workers, patients and their families should have access to needed COVID-19 testing before the end of the Public Health Emergency is declared.

The hospice and palliative care community has provided high quality care to their patients and families during the COVID-19 pandemic and through many public health crises over the years. We are grateful to the Administration for the support you have offered through the resources and flexibilities you granted hospice providers during the Public Health Emergency. We are asking HHS to extend the Public Health Emergency into the future as we anticipate that the unique needs of patients facing COVID-19 will continue to grow in the coming months. Challenges associated with COVID-19 will continue to impact how patients receive care, and we ask that you continue to support the capacity of hospice and palliative care providers to serve Americans in need.

Thank you for considering our request for the extension of the Public Health Emergency. If you have any questions, please contact Judi Lund Person, Vice President, Regulatory and Compliance at jlundperson@nhpco.org.

Sincerely,



Edo Banach
President and Chief Executive Officer