

National Hospice and Palliative Care Organization Policy Alert

Congress Passes Omnibus Spending Package with Hospice Policies

To: NHPCO Provider and State Members

From: NHPCO Policy Team

Date: March 14, 2022

Summary at a Glance

On March 10, 2022, the Senate passed H.R. 2471, an omnibus spending package; keeping the government funded through the end of Fiscal Year (FY)2022, sending it to President Biden for signature. This package included several hospice provisions including:

- extension of the flexibility for hospices to use telehealth to meet the requirement for a face-to-face visit for recertification of eligibility for an additional 151 days after the end of the COVID-19 Public Health Emergency (PHE),
- one-year extension of the formula calculation of the annual update to the hospice aggregate cap, using the annual hospice payment update percentage rather than the Consumer Price Index for All Urban Consumers (CPI-U) for FY2031, but
- **DID NOT** modify the Medicare sequester moratorium.

Last week, Congress passed H.R.2471, Consolidated Appropriations Act, 2022, an omnibus funding package which will keep the government funded through the end of fiscal year 2022. We expect President Biden to sign this legislation into law tomorrow, March 15.

Hospice Face-to-Face Included: This legislation included an extension of the flexibility for hospices to meet the requirement for a face-to-face visit for recertification of eligibility through a virtual visit for 151 days after the end of the COVID-19 PHE. These flexibilities were initially enacted as part of the CARES Act in 2020. It is expected that the PHE will end sometime this summer, allowing this flexibility to continue to be used till December.

One-year extension of the hospice aggregate cap calculation to mirror rate increase %: The bill also contained a one-year extension, from FY2030 to FY2031, of the formula calculation of the annual update to the hospice aggregate cap. Previous legislation adjusted this formula to be calculated using the same percentage increase as the annual hospice payment update rather than using the CPI-U.

Sequester relief not included: The bill did not include any extensions of the Medicare sequester moratorium. The sequester, which had been delayed during the PHE, is slated to come back into effect, beginning in April with a one percent reduction in payments and increase to a two percent reduction in payments starting July 1, 2022.

NHPCO and HAN will continue to work with our coalition partners and Congress to provide relief from the Medicare Sequester.

Members should direct any questions to Logan Hoover, Director of Legislative Affairs at lhoover@nhpco.org with "Omnibus Package" in the subject line.