

Congress of the United States

Washington, DC 20515

July 14, 2023

The Honorable Chiquita Brooks-LaSure
Administrator
Centers for Medicare & Medicaid Services
Department of Health and Human Services
7500 Security Boulevard
Baltimore, MD 21244

Dear Administrator Brooks-LaSure:

We write to you today to express our concern about fraud and abuse within the hospice benefit and our support for the work the Centers for Medicare & Medicaid Services (CMS) is doing to address this wrongdoing. Hospice is an integral benefit within the Medicare program, giving patients comfort and dignity at the end of their lives while also helping avoid expensive, unnecessary services. However, we are concerned about unlawful, unethical behaviors that threaten patients and defraud Medicare. We appreciate your agency's engagement in trying to remedy these issues. We ask that you continue to work with Congress and stakeholders to comprehensively address program integrity within the benefit.

While we maintain concerns about the impact of this problem, we are grateful for the steps CMS has taken in response to this reporting. In April, CMS released ownership data for the more than 6,000 Medicare-certified hospices. Patients deserve transparency when making a decision as sensitive as picking a hospice provider, and this data will be useful for both enforcement agencies and researchers. We are also supportive of the provision in the Fiscal Year 2024 Hospice Payment Rate Update Proposed Rule that would require physicians ordering and certifying hospice care to be enrolled in the Medicare Provider Enrollment, Chain, and Ownership System (PECOS). This process can help identify physicians who are potentially engaging in fraudulent or abusive behaviors and present a risk to patients; we urge you to finalize this provision as proposed. Additionally, we appreciate that CMS has begun a nationwide project to conduct site visits with a focus on hospices that are co-located. This effort will help uncover and remove non-operational hospices, and we ask that you keep us updated on this work.

We also urge you to take continued action to prevent fraud. Earlier this year, the hospice industry shared recommendations to improve program integrity with Congress as well as CMS. We are supportive of this effort and ask that CMS consider implementing recommendations that can be done administratively. Some of these recommendations include:

- A targeted moratorium that will limit enrollment of new hospice providers in areas that could be at high risk for fraud. Congress looks forward to working with you on doing this in a manner that ensures patients will still have access to hospice;
- The development of "red flag" criteria for the application process that would require further scrutiny and investigation prior to certification or revalidation. Communication could be done through CMS Quality Safety & Oversight memoranda to state agencies;

- Providing stronger standards related to marketing of hospice benefits to beneficiaries and their families. Hospices should have marketing policies that meet certain standards of conduct, especially to ensure that the nature of the hospice benefit is adequately disclosed to patients and families; and
- Improving the Care Compare tool so patients and families have access to more quality-related data. Making clearer whether a hospice participates in the Hospice Quality Reporting Program, the dates of certification and change of ownership, and other quality-related data will better empower families as they make a choice about hospice providers.

Taking steps such as these will help prevent the deceitful practices by fraudulent actors while increasing guidance for state survey and oversight agencies and keeping patients safe.

Hospice is an important option for patients but only when operating appropriately. Families deserve to have confidence in the providers they are choosing and the services they are receiving. Fraud and abuse undermine that, but we remain confident that we can work together to combat these threats to patient safety and the Medicare program. We look forward to working with you to improve oversight and ensure hospice remains a safe option for patients.

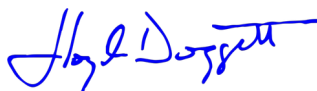
Sincerely,



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Beth Van Duyne
Member of Congress



Lloyd Doggett
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Nancy Mace
Member of Congress



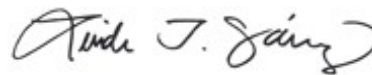
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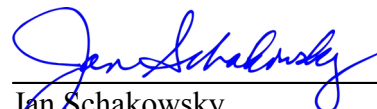
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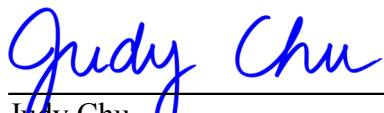
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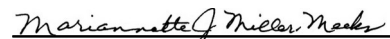
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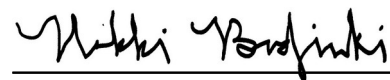
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