

Policy Update

SCCSI 2023 Spring Virtual Symposium

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AMERICAN ACADEMY OF HOSPICE AND PALLIATIVE MEDICINE



Podcast Recapping Hospice & Palliative Care Policies from Past, Present, & Future

Podcast



HEALTH AFFAIRS PATHWAYS

Podcast: No One Gets Out Of Here Alive: Palliative and Hospice Care

February 8, 2023

Host & Content Creator – Tracy Fasolino
Click [HERE](#) to download podcast Episode #1

Hottest Topic



Prescribing of Controlled
Substances When the
Practitioner and the
Patient Have Not Had a
Prior In-Person Medical
Evaluation

Docket No.

[DEA-407](#)

RIN:1117-AB40

Next UP – CMS Notice of Proposed Rulemaking (NPRM)

Ensuring Access to Medicaid Services [CMS 2442-P](#)

Home & Community Based Services (HCBS) + Fee-For-Service (FFS)

The What:

- Oversight, monitoring, quality assurance, and quality improvement for HCBS;
- Create service plan and incident management systems;
- States establish grievance systems in the FFS HCBS
- At least 80% of Medicaid payments are for personal care, homemaker, and home health aide services (as opposed to administrative overhead or profit);
- Publish the average hourly rate paid to direct care workers delivering personal care;
- Establish an advisory group for interested parties to advise and consult on provider payment rates and direct compensation for direct care workers;
- Promote public transparency related to the administration of Medicaid HCBS services



Next UP – CMS Notice of Proposed Rulemaking (NPRM)



Managed Care Access, Finance, and Quality [CMS-2439-P](#)

The What:

- Proposal advance CMS’s efforts to improve access to care, quality and health outcomes, and better address health equity issues for Medicaid and CHIP managed care enrollees. The proposed rule would
 - specifically strengthen standards for timely access to care and states’ monitoring and enforcement efforts;
 - enhance quality as well as fiscal and program integrity standards for Medicaid state-directed payments (SDPs);
 - specify the scope of in lieu of services and settings to better address health-related social needs (HRSNs);
 - further specify medical loss ratio (MLR) requirements; and
 - establish a framework and other requirements for states to implement a quality rating system (QRS) to compare Medicaid and CHIP managed care plans.

The background features a stylized globe on the left side, with a network of interconnected nodes and lines extending across the right side. The nodes are represented by small circles in various colors: red, green, blue, cyan, and grey. The lines are thin and grey, creating a web-like structure. The overall background is a gradient from light grey on the left to dark grey on the right, with numerous small, scattered black dots.

Healthcare Innovation

Brief Overview of Medicare Costs - 2023

[Part A](#) provides inpatient/hospital coverage.

- \$0 for most people. If doesn't qualify, \$278 or \$506 each month.
- \$1,600 deductible for each inpatient hospital benefit period
- SNF stay – Days 21-100: \$200 copay (after 100 days, you pay all costs)
- \$0 for covered HH & Hospice services

[Part B](#) provides outpatient/medical coverage.

- Premium \$164.90 (or higher depending on income)
- \$226 before Original Medicare starts to pay
- 20% costs for services, including inpatient hospital care
- Some coverage for mental health

Brief Overview of Medicare Costs continued

[Part C](#) offers an alternate way to receive Medicare benefits.

- Varies by plan and amounts change each year
- Some plans will help pay all or part of Part B premium. This is sometimes called a "Medicare Part B premium reduction."
- Out of pocket limit – Once the patient pays the plan's limit, the plan pays 100% of covered health services for the rest of the calendar year.

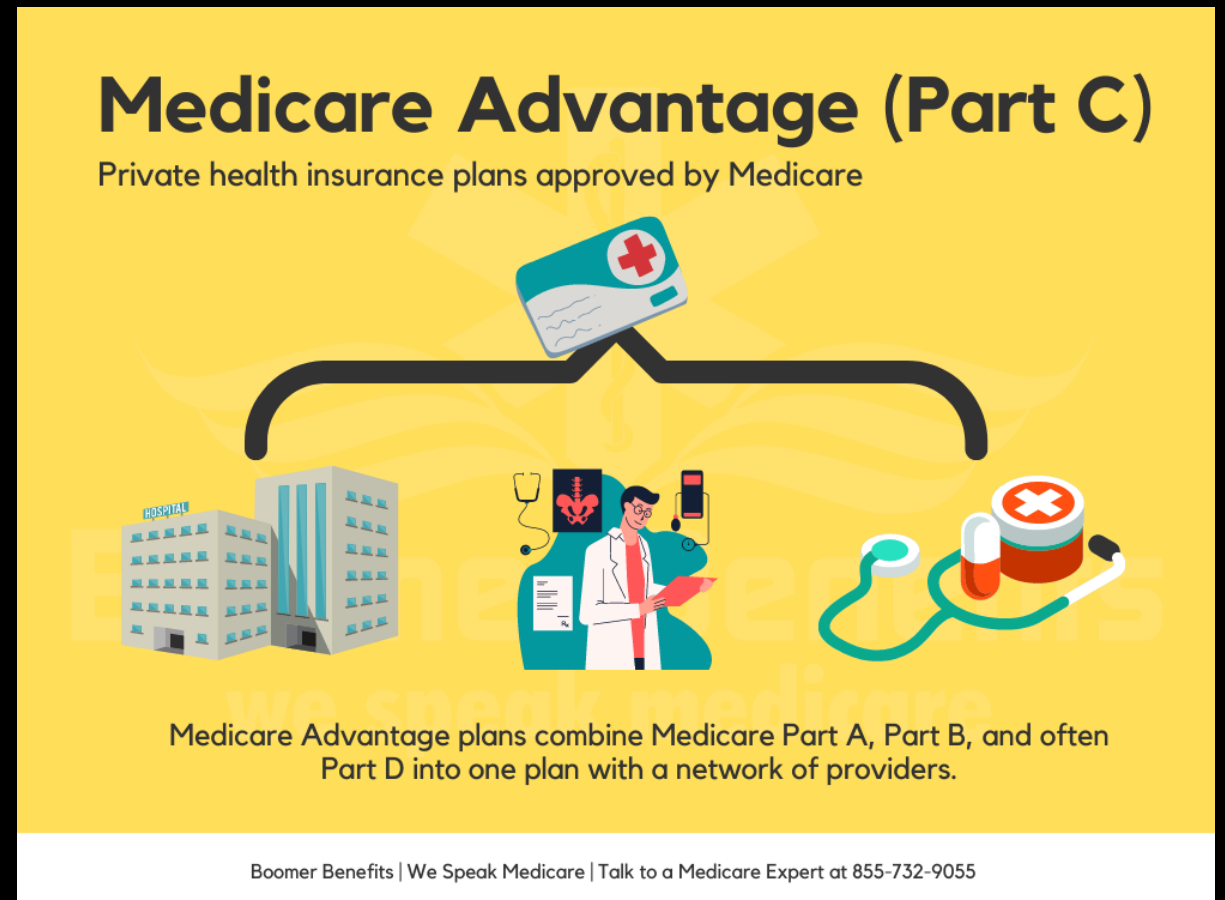
[Part D](#) provides prescription drug coverage.

- Premium \$164.90 (or higher depending on income)
- \$226 before Original Medicare starts to pay
- Plan works from a formulary list
- Must cover all drugs for specific illnesses – i.e. antipsychotic medications & immunosuppressant drugs

CMMI

Extension of the Medicare Advantage (MA) Value-Based Insurance Design (VBID) Model: Innovating to Meet Person-Centered Needs

- Medicare Advantage Plan (MA)
 - HMOs, PPOs, FFS, Medicare Medical Saving Accts, PACE plans, or cost plans
- VBID
 - Alternative payment models, bundled payments, pay for performance, and shared saving programs



Medicare Advantage (Part C)
Private health insurance plans approved by Medicare

Medicare Advantage plans combine Medicare Part A, Part B, and often Part D into one plan with a network of providers.

Boomer Benefits | We Speak Medicare | Talk to a Medicare Expert at 855-732-9055

+/- of Medicare Advantage Plans

Healthy Elders

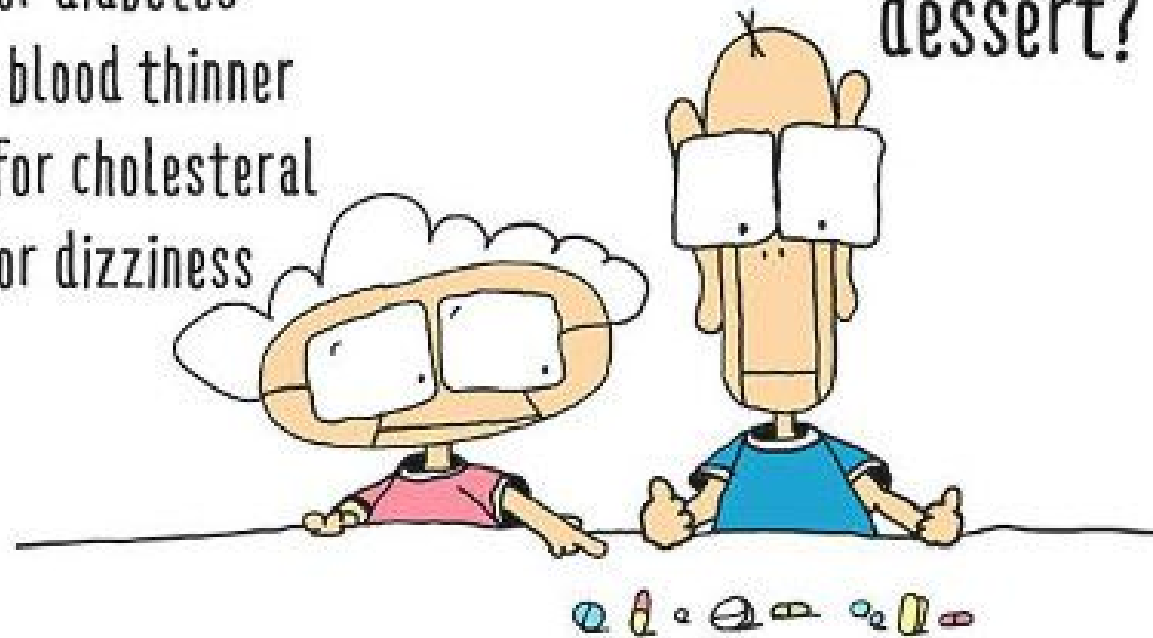
- ▶ Receive more preventive care
- ▶ There is a limit to the out-of-pocket expenses
- ▶ Coverage for vision, hearing, dental, fitness clubs, and medically necessary transportation
- ▶ Combine medical and prescription drug coverage into one plan.

Those with serious/chronic illnesses

- ▶ Those living in rural communities pay higher premiums
- ▶ Those living in rural communities have less providers enrolled with MA plans
- ▶ Does not cover certain expenses for serious illnesses
- ▶ Out-of-pocket expenses are substantial

That pill is for your heart
that one is for your eyes
that one is for blood pressure
That's for diabetes
that's a blood thinner
That is for cholesterol
That's for dizziness

What's for
dessert?



UNDER CARDIAC ARREST

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Previous Legislative Acts

115th-117th Congress

S. 1190/
H.R. 2594

Rural Access to
Hospice Act

Did you know?

WHO?

- Ron Kind (D-WI)
- 45 cosponsors

WHAT?

- Rural Health Centers & Federally Qualified Health Centers can receive payment for providers (Physician, NP, PA) for hospice services

WHEN?

- Passed on Monday, December 21, 2021.

WHERE now?

- Not much news about the implementation and outcomes of this legislation

S. 4873(117th) Improving Access to Advance Care Planning Act

WHO?

- Mark Warner (D-Va),
Sponsor
- Tammy Baldwin (D-WI)
- Susan Collins (R-MI)
- Amy Klobucher (D-MN)

WHAT?

- Allows social workers
to provide ACP services
- Removes some costs
associated with ACP
- Increase education to
providers on billing
codes
- Method to report
barriers

WHEN?

- 117th Congress –
Amend Title XVIII of
the Social Security Act
- Did not receive a
vote

WHERE now?

- May show up in
multiple bills
(companion bills) or
added to larger bills
(omnibus bills)

Palliative Care and Hospice Education and Training Act

WHO?

--?????

WHAT?

- Calls for HHS to take actions on palliative-care training
- Support Palliative Care & Hospice Education Centers
- AHRQ to launch national campaign on palliative care
- NIH to expand national research programs in palliative care

WHEN?

--?????

WHERE now?

--?????



Current Legislative Acts

118th Congress

January 3, 2023 – January 3, 2025

S.626/H.R. 1637 Comprehensive Care for Alzheimer's Act

Prognosis: 1%
Skopos Labs

WHO?

- Senator Debbie Stabenow (D-MI)
- Rep. Jack Bergman (R-MI)

WHAT?

- Calls for CMMI to test Dementia Care Management Model
- Excludes MA enrollees, hospice care recipients, and NH residents
- Providers must furnish services through ID teams and must ensure access to a team member or primary care provider 24-7.

WHEN?

- 118th Congress
- Previously introduced during the 117th Congress

WHERE now?

- Introduced into Senate on 3/2/2023
- Referred to the Committee on Finance

WHY?

YOUR INPUT

S.705/H.R. 2761 SPARC ACT

Prognosis: 1%

WHO?

- Senator Jacky Rosen (D-NV)
- Rep. John Joyce (R-PA)

WHAT?

- SPARC: Specialty Physicians Advancing Rural Care Act
- Amend the Public Health Service Act to authorize a loan repayment program to encourage specialty medicine physicians to serve in rural communities experiencing a shortage of specialty medicine physicians, and for other purposes.

WHEN?

- 118th Congress

WHERE now?

- Introduced into Senate on 3/8/2023
- Referred to House Energy & Commerce

WHY?

YOUR INPUT

S. 1330/H.R. 234 Gerald's Law Act

Prognosis: 3%

WHO?

--Senator John Boozman
(R-AR)

--Rep. Jack Bergman (R-MI)

WHAT?

--Bill to amend title 38,
United States Code, to
provide a burial and funeral
allowance for certain
veterans who die at home or
in other settings while in
receipt of hospice care
furnished by the Department
of Veterans Affairs.

WHEN?

--118th Congress

WHERE now?

--Introduced April 27,2023
--Needs to pass committee,
Senate, House, & President

WHY?

YOUR INPUT

S.1298*

Supporting Our Direct Care Workforce & Family Caregivers Act

WHO?

- Senator Tim Kaine (D-VA)
- 8 cosponsors (Democrats)

WHAT?

- Bill to award grants for the creation, recruitment, training and education, retention, and advancement of the direct care workforce and to award grants to support family caregivers.

WHEN?

- 118th Congress

WHERE now?

- Introduced into Senate on 4/26/2023
- Referred to the Senate Health, Education, Labor, and Pensions

WHY?

YOUR INPUT

*No companion House bill

S.164: Doss's Act*

Prognosis: 1%

WHO?

--Senator Ted Cruz (R-Tx)

WHAT?

--Prohibit the consideration of COVID-19 vaccination status in determining eligibility for organ donation or transplantation, and in providing services to Medicare or Medicaid beneficiaries.

WHEN?

--118th Congress
--Previously introduced during the 117th Congress

WHERE now?

--Introduced into Senate on 1/31/2023
--Referred to the Senate Health, Education, Labor, and Pensions

WHY?

YOUR INPUT

*No companion House bill

S. 10 VA CAREERS Act of 2023

Prognosis: 82%

WHO?

- Senator Jon Tester (D-MT)
- Six cosponsors
(3 Demo/2 Rep/1 Indep)

WHAT?

- Improve the workforce of the Department of Veterans Affairs, and for other purposes.
- CAREERS - VA Clinician Appreciation, Recruitment, Education, Expansion, and Retention Support

WHEN?

- 118th Congress

WHERE now?

- Introduced into Senate on 1/23/2023
- Referred to the Committee for Veterans Affairs

WHY?

YOUR INPUT



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Special Thanks – Cambia Health Foundation, Health Affairs, & Clemson University School of Nursing

5/9/2023

POLICY TIP SHEET



SCCSI 2023 Spring Virtual Symposium

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Distinguished Palliative Care Leader

Docket No. DEA-407—Controlled Medication Prescribing using Telemedicine

Links to comments:

- * [HPNA](#)
- * [NCHPC](#)
- * [AHA](#)
- * [American Telemedicine Association](#)

Let's use the **WHO, WHAT, WHEN, WHERE, WHY** Framework:

The **WHO**—We have THREE key players that developed this ruling:

1. DEA
2. Department of Health & Human Services
3. U.S. Veterans Affairs

The **WHAT**—Here's the meat of the policy proposal:

- The ruling **DOESN'T** affect telemedicine consultations that **do not** involve controlled medications
- The ruling **DOESN'T** affect telemedicine consultations by a practitioner that had previously in-person exams
- **The ruling DOES NOT allow controlled medications to be prescribed to a patient using the telemedicine platform unless an in-person exam is provided.**

The **WHEN**—This ruling was posted on February 24, 2023, open for 30-day comment.

⇒ 38,000 comments were posted, including HPNA, NCHPC, AHA, etc.

The **WHERE**—Where do we go from here?

⇒ Drafted a Temporary Rule to the Office of Management and Budget entitled "Temporary Extension of COVID-19 Telemedicine Flexibilities for Prescription of Controlled Medications". Wait for the full publication in the Federal Register.

The **WHY**—Organizations trying to place safeguards for controlled medication prescribing practices



CMS NPRM: Ensuring Access to Medicaid Services—[CMS 2442-P](#)

- *Home & Community Based Services (HCBS) + Fee-For-Service (FFS)*

Managed Care Access, Finance, and Quality [CMS-2439-P](#)

- *Strengthen standards for timely access to care and enhance quality*

[Extension of the Medicare Advantage \(MA\) Value-Based Insurance Design \(VBID\) Model: Innovating to Meet Person-Centered Needs](#)

- *Provide supplemental benefits—food, transportation, and housing or living environment.*

- *2025, CMS will more closely align with concurrent care*

[S.626](#)/H.R. 1637—Comprehensive Care for Alzheimer's Act

[S.705](#)/H.R. 2761— SPARC ACT

[S. 1330](#)/H.R. 234— Gerald's Law Act

[S.1298](#)— Supporting Our Direct Care Workforce & Family Caregivers Act

[S. 10](#) VA CAREERS Act of 2023

[S.164](#) Doss's Act

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