June 25, 2013

**Legislative/Regulatory Update!**

[13-27]

TO: Hospice and Palliative Care Directors  
HPCANYS Board Members  
Designated Recipients  
State Legislative/Regulatory Subcommittee  
Federal Legislative/Regulatory Subcommittee

FROM: Kathy A. McMahon, President and CEO

SUBJECT:  
1) Comments to CMS on Wage Index and Payment Rate Update, Hospice Quality Reporting Requirements, and Updates on Payment Reform  
2) MLTCP/Hospice Policy Document Published

**Comments to CMS on Wage Index and Payment Rate Update, Hospice Quality Reporting Requirement, and Updates on Payment Reform**

Friday, June 28, 2013 is the deadline for submitting comments to the Centers for Medicare & Medicaid Services (CMS) on the Proposed Rule relative to Wage Index and Payment Rate Update, Hospice Quality Reporting Requirements, and Updates on Payment Reform, published in the Federal Register on May 10, 2013. Refer to Directors Memo 13-19, May 21, 2013.

HPCANYS Federal Legislative/Regulatory Subcommittee has developed extensive comments and recommendations on the Proposed Rule (final draft attached). The proposed changes set forth in the Proposed Rule are far-reaching and have the potential for creating a number of unintended consequences. We are particularly concerned about the plethora of unfunded mandates that could negatively impact patient services. As you will see, where we disagree with a proposal put forth by CMS, we make every effort to offer an alternative solution.

**We urge you to submit comments to CMS by the June 28th deadline. To submit your comments electronically, go to [http://www.regulations.gov](http://www.regulations.gov) and follow the "submit a comment" instructions. Mailing instructions are on page 27824 of the May 10th Federal Register, also attached. Please feel free to "cut and paste" from HPCANYS comment letter; be sure to replace "HPCANYS" with your organization's name.**

Thank you to Mary Ann Starbuck, Virginia Arbour, Brian Gardam, Dan Grady, Barbara Hiney, Dale Johnson, and Lola Rathbone for their hard work in developing HPCANYS' comments and recommendations to CMS. This team effort reflects thoughtful and critical analysis of the ramifications of the Proposed Rule.
HPCANYS will forward comments to CMS on Thursday, June 27th. If you have any questions, please contact Kathy McMahon at 518/446-1483 or kmcmahon@hpcanys.org.

MLTC/Hospice Policy Document Published
Good news! The New York State Department of Health (DOH) policy document on implementation of the new MLTC/Hospice provision in the recently passed budget bill has been issued. MLTC Policy 13.18, dated today, June 25, 2013, attached, states that "Any MLTC enrollee who requires and meets eligibility requirements for hospice service may elect the Hospice benefit without disenrolling from MLTC." The required systems changes have been made and, per the policy document, hospices can now bill for hospice services provided to MLTC enrollees.

The new Hospice/MLTC provision was addressed in two previous Directors Memos (13-15, March 29, 2013 and 13-17, April 11, 2013).

As with any systems change, we anticipate that there may be a few "bumps in the road." HPCANYS will serve as a clearing house for any problems encountered by our members, and will work with DOH to assure timely resolution of problems. Please e-mail details about any problems encountered directly to Kathy McMahon at kmcmahon@hpcanys.org. Be sure to put "MLTCP problem" in the subject line.

HPCANYS Innovations/Managed Care Task Force developed two policy documents--Hospice 101, and Guidance/Best Practice--to serve as companion pieces with the DOH policy document. It is our understanding that DOH will share these documents with the MLTC programs in the near future. Copies of the two draft documents will be available at our upcoming Directors’ Peer Group on Friday, June 28th at the New York State Nurses Association, Albany, NY. I hope to see you there.

Stay tuned for additional resources under development by the Innovations/Managed Care Task Force--a Return on Investment (ROI) document and a Managed Care Webinar. Both will be designed to help educate managed care providers about the value of hospice and palliative care.

Attachments:
Final Draft Wage Index Comments
May 10, 2013 Federal Register
MLTC Policy 13.18