

## Eli's Hospice Insider

### Surveys & Certification: Survey Deadline Clarification Gives Hospices A Break

**Circle February for the enforcement date of many new provisions.**

Many of the deadlines written into law for hospice survey reform have already passed. What does that mean for implementation? Now hospices have a better idea, thanks to a recent memo issued by Medicare.

In the Consolidated Appropriations Act, 2021 enacted last December, "nine provisions ... establish additional survey and enforcement requirements for hospice programs," notes the Center for Medicare & Medicaid Services in a new Center for Clinical Standards and Quality memo.



Two provisions were effective upon enactment, CMS notes - improvement of the consistency of surveys and establishment of a new Special Focus Program for poor-performing hospice providers.

These provisions were effective Oct. 1, 2021, under the CAA:

- use of multidisciplinary survey teams,
- the prohibition of conflicts of interest of surveyors
- expanding CMS-based surveyor training to Accrediting Organizations (AOs), and
- AOs begin use of the Form CMS-2567 to document survey findings.

Finally, "the establishment of a hospice complaint hotline is effective one year after the CAA 2021's December 27, 2020 enactment," CMS adds. And "the public disclosure of survey information and the requirement to develop and implement a range of enforcement remedies is effective no later than October 1, 2022."

But obviously, the deadline for the provisions that went into effect either last December or this Oct. 1 has passed, leaving hospices wondering when they will apply.

"Given that some statutory timelines are effective prior to the effective date of the final rule, CMS's ability to conduct compliance monitoring activities for these provisions will be limited until sixty (60) days from the effective date of the new hospice survey and enforcement regulations in the CY 2022 HH PPS final rule," CMS says in memo QSO-22-01-Hospice. "State Agencies (SAs) and AOs are expected to comply with these and all applicable statutory requirements and are bound by the reasonable interpretation of the CAA 2021 in the absence of implementing regulations," adds the memo from the Quality, Safety & Oversight Group (QSOG) and Survey & Operations Group (SOG).

The effective date of the rule is Jan. 1, 2022, CMS says in the regulation published in the Nov. 9 Federal Register.

The effective date of the SFP is, of course, delayed as detailed in the final rule (see story, p. front page).

Note: The two-page memo is at [www.cms.gov/files/document/qso-22-01-hospice.pdf](http://www.cms.gov/files/document/qso-22-01-hospice.pdf).