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New CMS Guidance on Part D and Hospice Should Benefit Dying Patients

NHPCO Applauds Measure that will Bring Relief to Dying Patients and Family Caregivers and Reduce Confusion among Hospice Providers and Part D Sponsors

(Alexandria, Va) – Since March, the National Hospice and Palliative Care Organization has been working with the hospice community and many Congressional champions to halt implementation of a Medicare Part D policy that resulted in dying patients unable to get necessary medications under their Part D benefit. These efforts have been successful.

Today, the Centers for Medicare and Medicaid Services issued revised, interim guidance for hospice providers and Part D sponsors pertaining to Medicare beneficiaries who are receiving hospice care and are also enrolled in Part D. The intention of the Medicare Part D policy is to prevent the federal government from paying for medications under Part D that are related to the terminal illness and should be the responsibility of the hospice.

This new Part D guidance substantially modifies guidance first issued on March 10, 2014 which generated confusion and concern for hospice providers and Part D sponsors, and most importantly, prevented hospice patients from accessing needed drugs.

An NHPCO survey of hospice professionals found the policy often left Medicare beneficiaries without needed medications unrelated to the terminal illness once they had elected their Medicare hospice benefit. Other dying patients either revoked or refused the hospice benefit, foregoing this compassionate care, in order to maintain access to medications unrelated to their terminal prognosis.

Since the March implementation, dying hospice patients and their family caregivers found themselves caught in the middle of the policy which many in the hospice community called well-intentioned yet misguided.

The revised guidance instructs Part D sponsors to use prior authorization only on four categories of drugs that are generally used to treat symptoms of pain, nausea, constipation and anxiety commonly seen in hospice patients. Prior authorization requirements on other categories of drugs will no longer be required from Part D sponsors.

The modified guidance was issued after months of intense discussion with CMS, Congress, and other stakeholders on the problems with the March guidance and a request from NHPCO to temporarily suspend the guidance until the issues could be resolved.

“We are pleased that CMS has taken this step to revise the March 10 guidance in keeping with the 2012 OIG report. It will reduce the confusion for hospice providers and will allow patients to get their medications when they need them,” said J. Donald Schumacher, NHPCO president and CEO.
“As frontline caregivers, the hospice community led the effort to educate Congress and engage with stakeholders to halt the policy. With this change, patients and their families will no longer be caught in the middle of troublesome policy and stakeholders can implement an interim solution that can more easily be understood by all providers,” Schumacher added.

NHPCO does not dispute hospices’ responsibility in paying for all medications and care related to patient’s terminal prognosis and will continue working to educate the hospice community on better navigating this intersection.

CMS and all stakeholders will continue working to identify a more permanent solution to this Part D and hospice intersection. Added Schumacher, “We remain committed to working collaboratively with all stakeholders to ensure that hospice patients receive the medications they need for comfort and quality of life and do not have to experience confusion and delay as they are facing the end of life.”

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- NHPCO Members will find comprehensive information on Part D and hospice policy on the NHPCO website.
- Information on Part D and hospice is available to the public on the Hospice Action Network website.

NHPCO is the oldest and largest nonprofit leadership organization representing hospice and palliative care programs and professionals in the United States. NHPCO’s mission is to lead and mobilize social change for improved care at the end of life, www.nhpco.org.