



## The Modified Hospice Election Statement and New Election Statement Addendum – Part II

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### Your Panelists



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## Election Statement & Addendum

Finalized in FY2020 Hospice Final Rule

- Modifications to election statement
- Election statement addendum
- **Effective October 1, 2020**

## Election Statement & Addendum

- Continued concerns regarding spending outside of the Hospice Benefit
- Purpose
  - Greater transparency
  - Hold hospices accountable

## Election Statement and Addendum

- Applies to:
  - All elections on or after October 1, 2020
- Modified election statement
  - Four additional items specified
- Election statement addendum
  - Eight additional items specified

**TABLE 9: Differences between the Advance Beneficiary Notice (ABN) and the Hospice Election Statement Addendum**

Type of Document	Purpose of Document	Timing to Provide to Beneficiary	When it is Used by Hospices
Advance Beneficiary Notice (ABN)	To transfer potential financial liability to the Medicare beneficiary in certain instances.	Prior to delivery of the item or service in question. The hospice must provide enough time for the beneficiary to make an informed decision on whether or not to receive the service or item in question and accept potential financial liability	<p>If there is an item or service that is usually paid for by Medicare Part A but may not be paid for in this particular case because it is not considered medically reasonable and necessary.</p> <p>If a patient is not terminally ill</p> <p>If the level of hospice care is determined to be not reasonable or medically necessary.</p>
Hospice Election Statement Addendum	To inform the beneficiary (or representative) upon request, of any items, services, or drugs the hospice will not be providing because the hospice has determined them to be unrelated to the terminal illness and related conditions.	<p>If the addendum is requested at the time of hospice election, the hospice has 5 days from the effective date of the election to furnish this information in writing.</p> <p>If the addendum is requested during the course of hospice care (that is, after the effective date of the election), the hospice has 72 hours (or 3 days) from the date of the request to furnish this information in writing.</p>	<p>Upon beneficiary request, if the hospice has determined that certain items, services, and drugs are unrelated to the terminal illness and related conditions and not covered by hospice.</p> <p>However, these items, services, and drugs may be covered under other Medicare benefits if coverage and eligibility requirements are met.</p>

## Advance Beneficiary Notice

- Medicare Claims Processing Manual, Pub 100-04, Chapter 30
- <https://www.cms.gov/Medicare/Medicare-General-Information/BNI/ABN>
- Transfers potential liability to the beneficiary
- Used for unreasonable and unnecessary items NOT unrelated items

## Accountability

- Penalty
  - Per CMS no penalty for content or timeframe with the addendum
  - Condition of payment met if the addendum is requested and signed copy is in the medical record
- How will reviewers assess for compliance

## Takeaways – Election & Addendum

- Consider how your agency determines unrelated items, services, drugs
  - Time frame and how often revisited/updated
  - Level of physician involvement
  - Documentation
  - Communication
- Review communication to patients regarding revocations
- Review communication to patients regarding unrelated items and items related but not reasonable and necessary
- Staff education – review and review again after implementation
- Be prepared for potential changes needing to be made to the election statement and the election statement addendum

## Resources

- NAHC Recorded Webinar
  - The Modified Hospice Election Statement and NEW Election Statement Addendum – Part I
  - [www.nahc.org](http://www.nahc.org) > Education > Webinars > Past Events
- Hospice final rule, wage index, and model election statement and addendum: <https://www.cms.gov/medicare/medicare-fee-service-payment/hospice/hospice-regulations-and-notices/cms-1733-f>
- 42 CFR 418.24
- MAC websites/communications
- Future CMS guidance

## Join NAHC

NAHC is the leading trade association for home care and hospice professionals and we serve as the unified voice for the industry.

Whether you're a home care provider, a hospice administrator, or a technology company that provides services for the industry, there's a place for you at NAHC.

Join your peers and fellow leaders as part of the NAHC community today! Learn more at: <http://nahc.org/join>



## Upcoming Webinars

NAHC Hospice Webinar Series:

**PEPPER: Comparative Data for Hospices**

**Tuesday, September 29, 2020 | 1:00-2:00pm Eastern**

## Upcoming Events

**2020 Home Care and Hospice Conference and Expo**  
October 19-21, 2020



## Contact Information

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