June 9, 2020

Ms. Seema Verma  
Administrator, Centers for Medicare and Medicaid Services  
Hubert H. Humphrey Building  
200 Independence Avenue, SW  
Washington, DC 20201

Re: Medicare Program; FY 2021 Hospice Wage Index and Payment Rate Update

Dear Ms. Verma,

On behalf of the Coalition to Transform Advanced Care (C-TAC), we appreciate the opportunity to provide comments on this proposed rule in regard to its effects on those living with serious illness.

C-TAC is a national non-partisan, not-for-profit organization dedicated to ensuring that all those living with serious illness, especially the sickest and most vulnerable, receive comprehensive, high-quality, person- and family-centered care that is consistent with their goals and values and honors their dignity. C-TAC is composed of over 140 national and regional organizations including patient and consumer advocacy groups, practitioners, health plans, faith-based and community organizations, and others who share a common vision of improving advanced illness care in the U.S.

People with serious illness are at high risk for COVID-19 complications and, unfortunately, have the highest mortality from it as well so access to hospice care is important. We appreciate the flexibility that CMS has already announced regarding hospice services during the pandemic and believe they will lead to better care during this emergency. Our only comment on the proposed hospice rule is below.

Election statement and addendum
When we commented on the proposed changes to the election statement and an addendum in last year’s proposed rule, we endorsed greater transparency for patients and families regarding covered medications and services but did not support the administrative solution of modifying the election statement and adding an addendum to do so. We felt then, and still feel, that this will be burdensome to hospice organizations.

Regarding the proposed rule for FY2021, due to similar concerns, we therefore recommend the following:

- Delay implementation by a year until October of 2021 or the end of the COVID-19 pandemic. A delay is necessary since, as proposed, the 2020 start date is less
than six months from now and preparation for it overlaps with hospices still grappling with the pandemic. A year’s delay will give hospices time to prepare for the additional burden this change will impose. These changes include developing the forms tailored to each hospice, working with legal counsel to review and produce compliant forms for beneficiary use, working with electronic medical record (EMR) vendors to include the forms in the EMR system, and getting forms printed.

- *Clarify guidance on the election statement and addendum implementation* to address/include several areas:
  - Add specific language to provide guidance to hospice providers on how to handle when the patient dies within five days of admission;
  - Address the issue of how to handle a patient or representative refusing to sign the addendum.

Thank you for the opportunity to comment on this proposed rule. If you have any questions, please contact Marian Grant, Senior Regulatory Advisor, C-TAC, at 443-742-8872 or mgrant@thectac.org.

Sincerely,

*Marian Grant*

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[^2]: https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(20)30854-0/fulltext