

Hospice compliance is crucial for providing high-quality care to patients and maintaining the integrity of healthcare operations. Here are some strategies to ensure hospice compliance:

BE COMPLIANT WITH REGULATIONS

- ✓ Ensure compliance with the federal hospice regulations.
 - ▶ Take the compliance high road in all organizational practices. Being compliant will decrease your risk during compliance surveys and payment audits
 - ▶ Establish comprehensive policies and procedures that align with regulatory requirements. Ensure that all staff members are trained in these policies and are aware of their responsibilities in maintaining compliance
 - ▶ If an arrangement sounds too good to be true, it probably is. Do comprehensive due diligence when partnering or entering arrangements with other entities

IMPLEMENT A COMPLIANCE PROGRAM

- ✓ Healthcare compliance programs are structured initiatives and processes implemented by healthcare organizations to ensure adherence to laws, regulations, and industry standards. These programs are crucial for promoting ethical practices, protecting patient rights, preventing fraud and abuse, and maintaining the overall integrity of healthcare operations
- ✓ Develop a compliance program that contains the seven elements cited by the U.S. Office of the Inspector General (OIG); see [Healthcare Compliance Program Tips \(OIG\)](#)
- ✓ Appoint a compliance officer responsible for overseeing and managing the compliance program
- ✓ Establish a compliance committee to provide guidance, support, and oversight
- ✓ Establish a system for staff to report any compliance concerns or issues. Encourage a culture of reporting and promptly address any identified problems
- ✓ Resources for implementing a compliance program
 - ▶ [Compliance Program Guidance for Medicare Fee-For-Service Contractors \(CMS\)](#)
 - ▶ [General Compliance Program Guidance \(OIG\)](#)

STAY INFORMED

- ✓ Regularly review and stay updated on federal, state, and local regulations related to hospice care. Keep informed about changes in laws that may affect your hospice program
 - ▶ Subscribe to receive CMS hospice updates. Sign up at the [CMS Hospice Center](#)
 - ▶ Subscribe to receive updates from your Medicare Administrative Contractor (MAC)
 - ▶ Consider joining your state or national hospice organization to receive critical regulatory and quality communication and the opportunity to provide feedback

DOCUMENTATION

- ✓ Maintain accurate and thorough documentation for each patient. This includes patient assessments, care plans, and other relevant records. Accurate documentation is crucial for compliance and also plays a key role in providing quality patient care
- ✓ Require your patient care staff to document beyond “point and click” for every patient/family interaction to evidence more complete and individualized care provision

- ▶ Document evidence why the patient still needs hospice care on every visit (all team members)
- ▶ Require nurses to complete a medication reconciliation on every visit
- ▶ Every nurse, every visit completes pain and other symptom screening
- ▶ On every visit, ask the patient and family, "What is important to you today?" so that the plan of care can be individualized
- ▶ Capture subjective comments from the patient and/or family
- ▶ Ramp up observation skills on every visit. Even small details are part of the patient's story and could indicate their status and decline

BILLING COMPLIANCE

- ✓ Implement strong billing and coding practices to ensure accurate and compliant submission of claims
- ✓ Complete pre-bill audits to ensure claims are as accurate as possible
- ✓ Regularly audit billing and coding processes to identify and rectify any errors

REGULAR INTERNAL REVIEW

- ✓ Conduct regular internal audits to monitor compliance with policies and procedures
- ✓ Identify any areas of non-compliance and take corrective actions promptly

QUALITY ASSESSMENT PERFORMANCE IMPROVEMENT (QAPI)

- ✓ Ensure the organization's QAPI program is robust to continuously monitor and improve the quality of care provided
- ✓ Regularly assess operational and clinical outcomes, identify areas for improvement, and implement corrective actions as needed
- ✓ An organization's compliance and QAPI program work together on corrective actions for assessed gaps
 - ▶ These programs/teams work together on assessing internal operations and clinical practice and documentation to determine patterns of noncompliance
 - ▶ Many of the data that these programs/teams monitor overlap, so collaboration is required to remain in compliance and improve quality and performance in all areas of the organization

STAFF TRAINING

- ✓ Provide ongoing training for staff members to ensure they are knowledgeable about current regulations and best practices
- ✓ Make behavior and performance expectations and possible consequences clear to all staff members
 - ▶ Teach staff the rationale for regulations and compliance practices and the consequences for the organization related to non-compliance
 - ▶ Hold staff accountable for their behavior and performance
 - ▶ Involve staff, when possible, in compliance activities
 - ▶ Keep staff updated on changing compliance requirements

ETHICAL MARKETING PRACTICES

Healthcare marketing requires careful attention to compliance due to the sensitive nature of health information and the numerous regulations in place to protect patient privacy and ensure ethical practices.

- ✓ Ensure that marketing practices comply with the law as it may include restrictions on certain types of advertising, licensing requirements, and other relevant regulations
- ✓ Be aware of and comply with the Anti-Kickback Statute and Stark Law, which prohibit certain financial arrangements that could lead to improper referrals or inducements
 - ▶ Ensure that marketing practices do not violate these laws
- ✓ Adhere to the Health Insurance Portability and Accountability Act (HIPAA) regulations
- ✓ Clearly communicate the purpose of your marketing messages and ensure that they are transparent and honest. Avoid making misleading claims or using deceptive practices
- ✓ Follow guidelines and regulations related to digital marketing, including online advertising, social media, and email marketing. Ensure compliance with privacy laws and cybersecurity standards
- ✓ If using patient testimonials, obtain written consent and ensure that the testimonials are truthful and not misleading. Do not offer incentives for positive testimonials
- ✓ Regularly monitor and audit your marketing practices to ensure ongoing compliance
- ✓ Ensure that all healthcare professionals featured in marketing materials adhere to their respective licensing standards
- ✓ Uphold ethical standards in marketing
 - ▶ Avoid tactics that may exploit vulnerable populations or create fear to drive demand for services
 - ▶ Maintain transparency and honesty in all marketing communications
- ✓ Establish robust review and approval processes for marketing materials. Ensure that all content is thoroughly vetted by legal and compliance professionals before dissemination

ENGAGE LEGAL AND COMPLIANCE EXPERTS

- Seek guidance from legal and compliance experts to ensure compliance with all applicable laws and regulations
- Legal counsel can provide valuable insights and help address any potential compliance issues as well as assist with financial compliance audits

COMPLIANCE AND PARTNERSHIPS AND CONTACTING

Healthcare compliance and partnerships are interconnected aspects that play a vital role in ensuring the delivery of high-quality and lawful healthcare services

- ✓ Before entering into partnerships, healthcare organizations must conduct thorough due diligence to ensure that potential collaborators adhere to legal and ethical standards
- ✓ Partnership agreements should include provisions for compliance with relevant healthcare laws and regulations. Clear expectations regarding compliance responsibilities and reporting mechanisms should be outlined in contracts
- ✓ All parties involved in a healthcare partnership should receive appropriate training on compliance expectations. Effective communication channels should be established to address compliance concerns promptly
- ✓ Ongoing monitoring and auditing of partner activities are essential to ensure continued compliance. This may involve regular assessments of data security, billing practices, and quality of care