



February 11, 2020

The Honorable Richard Neal
Chairman
Ways and Means Committee
1102 Longworth House Office Building
Washington, DC 20515

The Honorable Jimmy Panetta
212 Cannon House Office Building
Washington, DC 20515

The Honorable Kevin Brady
Ranking Member
Ways and Means Committee
1139 Longworth House Office Building
Washington, DC 2015

The Honorable Tom Reed
2263 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Neal, Ranking Member Brady, Representative Panetta, and Representative Reed:

LeadingAge, the association of mission-driven, aging focused service providers, and our partners, the Visiting Nurse Associations of America (VNAA) and ElevatingHOME (EH) are writing today regarding the markup of H.R. 5821 the *Helping Our Senior Population In Comfort Environments Act (HOSPICE)* Act.

LeadingAge and VNAA/EH are committed to excellence in long-term care and services including high quality end-of-life care. We support the specific efforts in this legislation to respond to the findings as reported by the Office of Inspector General (OIG) indicating a need to improve oversight and protect hospice beneficiaries. Chairman Neal, Ranking Member Brady, Representative Panetta, and Representative Reed have worked closely with us to try to balance appropriate oversight with more opportunities for training, education, and transparency for consumers, hospice providers, and surveyors. We are appreciative of the work and engagement that went into the drafting of this legislation and the dedication of all involved to improving the quality of care for those at the end of life.

We are particularly pleased to support the provisions around surveyor education and training, standardization of deficiency data and promotion of survey consistency across surveying entities, and the inclusion of a report on the impact of intermediate remedies on hospice access and quality. These provisions will improve the survey process, give consumers greater clarity about the care they are receiving, and increase transparency both for consumers and for hospice providers. We are also appreciative of the inclusion of funding so that this important oversight work can be carried out with utmost effectiveness.

However, we cannot support all aspects of the HOSPICE Act as drafted. The inclusion of civil monetary penalties is an unnecessary and overly burdensome remedy for the hospice community. Indeed, given the slim margins of the nonprofit providers represented by LeadingAge and VNAA/EH, we are concerned about the disproportionate impact these fines may have on our provider members. We also are not supportive of increasing survey frequency

from three years to two years for all hospice providers – this provision does not align with the stated intent of parity across Medicare programs nor does it specifically target the bad actors highlighted by the OIG reports.

We look forward to continued work together on this important legislation and thank you again for your efforts and transparency during the process to date.

Sincerely,

A handwritten signature in black ink that reads "Katie Smith Sloan". The signature is fluid and cursive, with "Katie" on top, "Smith" in the middle, and "Sloan" on the bottom right.

Katie Smith Sloan
President & CEO
LeadingAge

Acting President & CEO
Visiting Nurse Associations of America and ElevatingHOME