

GAO Highlights

Highlights of [GAO-24-106442](#), a report to congressional committees

Why GAO Did This Study

In fiscal year 2022, over 1.7 million Medicare beneficiaries received hospice care. GAO and the Department of Health and Human Services' (HHS) Office of Inspector General have reported on the need to strengthen oversight to protect Medicare beneficiaries receiving hospice services.

The CAA included a provision for GAO to report on hospice quality of care and CMS's oversight of such care. This report addresses, among other things, CMS's implementation of hospice-related CAA provisions; the extent to which hospices were cited for serious quality deficiencies from 2017 through 2022; and the number of hospices with overdue surveys, and CMS's efforts to prioritize survey administration.

GAO reviewed CMS documentation and interviewed CMS officials, provider and consumer groups, and surveyors. GAO also analyzed CMS data on hospice surveys from 2017 through 2022 for hospices that had at least one standard survey in each of the two 3-year reporting cycles during this time. To count the number of hospices with overdue surveys, GAO reviewed data provided by CMS as of May 2023.

What GAO Recommends

GAO is making four recommendations to CMS, including that the agency fully implement the remaining three CAA provisions, and prioritize completion of standard surveys for those hospices that are overdue based on potential risk factors. HHS agreed with three recommendations, but disagreed with prioritizing survey completion based on risk factors. GAO continues to believe this recommendation is warranted.

View [GAO-24-106442](#). For more information, contact Leslie V. Gordon at (202) 512-7114 or gordonlv@gao.gov.

May 2024

MEDICARE HOSPICE

CMS Needs to Fully Implement Statutory Provisions and Prioritize Certain Overdue Surveys

What GAO Found

Federal law defines the quality standards that hospices must meet to participate in the Medicare program. The Centers for Medicare & Medicaid Services (CMS) monitors compliance with these standards through inspections—referred to as standard surveys—to be carried out at least every 3 years. Serious quality deficiencies cited on a survey indicate the hospice may not have the capacity to furnish adequate care or may adversely affect the health and safety of patients.

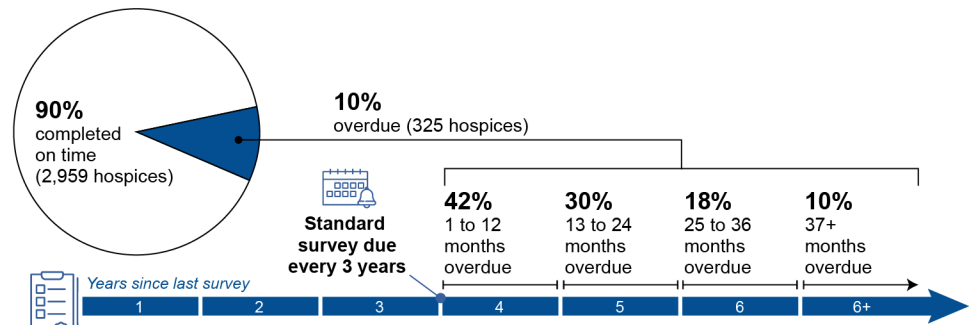
CMS has fully implemented five and partially implemented three of the eight provisions related to hospice oversight required through the Consolidated Appropriations Act, 2021 (CAA). For example, CMS has not issued planned internal guidance that would enable consistent use of new enforcement tools for hospices not complying with quality standards. Implementing these provisions would help ensure CMS meets its statutory obligations for hospice oversight.

GAO also found that about 15 percent of hospices that had at least one standard survey in each 3-year reporting cycle between 2017 and 2022 were cited with serious quality deficiencies, and most were cited with multiple such deficiencies. CMS policy requires that these hospices undergo additional monitoring and face termination from the Medicare program without timely resolution; according to CMS officials, 18 hospices were terminated between 2017 and 2022.

As of May 2023, about 10 percent of hospices participating in Medicare for 36 months or more were overdue for a survey. Of the hospices with overdue surveys, over one quarter had not had a standard survey in at least 5 years. In addition, 17 percent had at least one previous serious quality deficiency, and about 11 percent had a previous complaint that was severe and substantiated. CMS defines survey priorities each year, but does not provide any direction to prioritize among overdue surveys. CMS has noted that funding and staffing issues at state agencies, which conduct the surveys, as well as the COVID-19 public health emergency, have constrained the timely completion of surveys. Prioritizing among overdue standard surveys for hospices based on potential risk factors, such as previous quality issues, could help target such hospices.

Hospices with Overdue Surveys, by the Length of Time Overdue, as of May 2023

Of 3,284 hospices that had been enrolled in Medicare for at least 36 months at the end of May 2023:



Standard survey completed

Source: GAO analysis of Centers for Medicare & Medicaid Services data; keenan/stock.adobe.com (icons). | GAO-24-106442