



Commonwealth of Massachusetts
Executive Office of Health and Human Services
Office of Medicaid
www.mass.gov/masshealth



MassHealth
Transmittal Letter HOS-16
November 2017

TO: Hospice Providers Participating in MassHealth
FROM: Daniel Tsai, Assistant Secretary for MassHealth
RE: *Hospice Manual* (Regulations Review)

This letter transmits an amendment to the hospice regulations at 130 CMR 437.000 as part of the Regulations Review process. The amendment provides a technical correction to a citation to the MassHealth Personal Care Attendant Program that appears within the regulation.

MassHealth Website

This transmittal letter and attached pages are available on the MassHealth website at www.mass.gov/masshealth.

Questions

If you have any questions about the information in this transmittal letter, please contact the MassHealth Customer Service Center at 1-800-841-2900, e-mail your inquiry to providersupport@mahealth.net, or fax your inquiry to 617-988-8974.

NEW MATERIAL

(The pages listed here contain new or revised language.)

Hospice Manual

Pages 4-5 and 4-6

OBSOLETE MATERIAL

(The pages listed here are no longer in effect.)

Hospice Manual

Pages 4-5 and 4-6 — transmitted by Transmittal Letter HOS-15

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(B) Waiver of Other Benefits. With the exception of members described in 130 CMR 437.412(A)(2), upon electing to receive hospice services, a member waives all rights to MassHealth benefits for the following services for the duration of the election of hospice services:

- (1) hospice services provided by a hospice other than the one designated by the member on the hospice form submitted to the MassHealth agency;
- (2) any MassHealth services that are related to the treatment of the terminal illness for which hospice services were elected, not including room and board in a nursing facility (see 130 CMR 437.424(B)); and
- (3) any MassHealth services that are equivalent to or duplicative of hospice services, except for
 - (a) the MassHealth Personal Care Attendant Program (130 CMR 422.000), when used to the extent that the hospice would routinely use the services of a member's family in implementing the plan of care. PCA services must be coordinated with any in-home support services that the member is receiving or is eligible to receive, from a home and community-based services network; and
 - (b) physician services provided by the member's attending physician if that physician is not an employee of the designated hospice or receiving compensation from the hospice for those services.

(C) Hospice Form. Each time a MassHealth member who meets the requirements of 130 CMR 437.412(A) seeks to elect hospice services, revoke hospice services, or change hospices, the hospice must complete the MassHealth agency's hospice form according to the instructions on the form and submit the form to the MassHealth agency.

- (1) Hospice Election. When a MassHealth member elects to receive hospice services, the hospice must ensure that the member or the member's representative signs and dates the hospice form. The hospice must inform the member that hospice services are palliative rather than curative and that access to some MassHealth services will be limited to those provided through the hospice.
- (2) Hospice Revocation. The member or the member's representative may revoke the election of hospice services at any time during the election period. The hospice must ensure that the member or the member's representative signs and dates the hospice form. Upon revocation of hospice services for a particular election period, the member
 - (a) resumes coverage for the MassHealth benefits waived upon election of hospice services; and
 - (b) may at any time elect to receive hospice services for any other election periods for which the member is eligible.
- (3) Hospice Change. A member may change hospices once in each election period. To change hospices, a hospice form must be submitted to the MassHealth agency according to the instructions on the form. A member does not revoke election of hospice services by changing hospices.

(D) Effective Date for Hospice Services.

- (1) The effective date for hospice election, hospice revocation, or changing hospices is the effective date entered by the hospice on the hospice form submitted to the MassHealth agency.
- (2) The effective date for hospice services may not be earlier than the date the member or the member's representative signed the hospice form.

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(E) Duration of Hospice Services. Election periods for hospice services correspond to the certification periods in 130 CMR 437.411. The two 90-day election periods must be used before the subsequent 60-day extension periods. A member may continue to receive hospice services through the initial election period and the subsequent election periods without interruption if the member remains in the care of the hospice and does not revoke the election under 130 CMR 437.412(C)(2).

(130 CMR 437.413 through 437.420 Reserved)