

Professional Management for Contracted Services

Federal Regulations: 418.62(b), 418.62(c), 418,100(e), 418.108(c), 418.114(d)	Effective Date: February 27, 2023
State Regulations: CA Article 6, Section 6.2 TX 97.289, 97.403(f)	Revision Date(s): February 27, 2023

PURPOSE: To identify the contents of a written agreement that delineates the type and scope of services provided to patients in hospice settings by employees and others not directly employed by Hospice.

POLICY: Hospice may arrange for another individual or entity to furnish services to hospice patients. When another source provides care and services, the patients are entitled to the same level of care from the contracted service as from the hospice itself. Contracted services are defined by a written agreement and the Hospice maintains responsibility for services under arrangements.

PROCEDURE:

- 1) Written agreement
 - a) Hospice has a legally binding written agreement for the provision of arranged services.
 - b) The written agreement includes at least:
 - i) All services are authorized by the hospice;
 - ii) Period of time contract is to be in effect;
 - iii) Availability of service;
 - iv) Financial arrangements;
 - v) Are furnished in a safe and effective manner by qualified personnel;
 - vi) Sharing of assessment and care plan data;
 - vii) Are delivered in accordance with the patient’s plan of care and orders of attending physician;
 - viii) The identification of services to be provided;
 - ix) How contracted services are coordinated, supervised and evaluated by the hospice;
 - x) The delineations of the role(s) of the hospice and the contractor in the provision of hospice services and care;
 - xi) Requirements for documenting services are furnished in accordance with the agreement;
 - xii) The qualifications of the individuals providing services meet all state and Federal requirements;
 - xiii) Criminal background checks are completed on contracted employees who have direct patient contact or access to patient records;
 - xiv) Licensed professionals are involved in QAPI activities and hospice sponsored in-service training as appropriate.
 - xv) A statement that contract personnel will perform according to agency policies and procedures, and will conform to standards required by laws, rules, or regulations
 - xvi) The qualifications of the individuals providing services (and where applicable, a photocopy of the professional license of contract personnel)
 - xvii) A provision to terminate the contract.

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- 2) Professional Management Responsibility
 - a) The hospice retains professional management responsibility for those services and ensures that they are furnished according to the written agreement and
 - i) in a safe and effective manner;
 - ii) by persons meeting the qualifications in accordance with current professional standards and practice.
- 3) Hospice provides information and training as necessary on the hospice philosophy and concept of care to agencies and individuals providing contracted services.
- 4) Financial Responsibility
 - a) Hospice retains responsibility for payment for services for Medicare and Medicaid beneficiaries.
 - b) When a hospice provides services under arrangements to non-Medicare beneficiaries, the hospice is responsible for establishing how payment for those services occur, but is not required to pay for those services directly or to pay for services for which there is no reimbursement or for services that another insurer is obligated to pay.
- 5) Inpatient Responsibility
 - a) Hospice ensures that inpatient care is furnished only in a facility which meets hospice regulations.
 - b) Arrangements for inpatient care is described in a legally binding written agreement that meets the hospice regulations and at a minimum specifies:
 - i) Hospice supplies the inpatient provider a copy of the patient's plan of care and specifies the inpatient services to be furnished.
 - ii) Inpatient provider has established patient care policies consistent with those of the hospice.
 - iii) Inpatient provider agrees to abide by the palliative care protocols and plan of care established by the hospice for its patients.
 - iv) Hospice patient's inpatient clinical record includes a record of all inpatient services furnished and events regarding care that occurred at the facility.
 - v) A copy of the discharge summary be provided to the hospice at the time of discharge.
 - vi) A copy of the inpatient clinical record is available to the hospice at the time of discharge.
 - vii) Inpatient facility has identified an individual within the facility who is responsible for the implementation of the provisions of agreement.
 - viii) Hospice retains responsibility for ensuring the training of personnel who will be providing the patient's care under agreement.
 - (1) Hospice documents a description of the training provided along with the names of those providing the training.