VA Hospice Care Policy Overview

1. What is VA’s responsibility in terms of offering hospice and palliative care to enrolled veterans deemed appropriate for such care?
   a. Handbook 1140.5 states VA is to “offer(s) to provide or purchase needed hospice and palliative care services for all enrolled veterans, whether these services are needed in an inpatient setting or in the home. Hospice and palliative care is a covered benefit for all enrolled veterans, on par with all other medical services included in the Medical Benefits Package (Code of Federal Regulations (CFR) 17.38(a)(1)(xi)A).

2. If a veteran has Medicare, does VA have to offer to purchase or provide hospice and palliative care to enrolled veterans requiring such?
   a. Veterans have the choice of payer and as outlined in Handbook 1140.5 this “Veteran choice of payer applies even if the veteran is eligible for hospice under Medicare or Medicaid.” Veterans are to be informed about their choices of payer and the implications. When VA is payer, veterans may be liable for the outpatient co-payment (e.g. Priority Groups 7 & 8) whereas when Medicare is payer, community hospice programs typically waive the small Medicare Hospice Benefit co-payments. “Veterans who choose Medicare retain their eligibility for VA care and benefits. NOTE: Veterans need to be notified that VA has no authority to pay for any balances or co-payments that may be due after Medicare or any other non-VA source makes payment for hospice care.”

3. Under what statutory authority does VA pay for community hospice care?
   a. VA purchases hospice care from community providers under the authority of 38 United States Code (U.S.C.) 1720C (Alternatives to Institutional Care). “Hospice and palliative care is included in VA’s Medical Benefits Package on par with other inpatient and outpatient covered services (38 CFR 17.36 and 17.38).” Although VA does not use Fee Basis statute 38 USC 1703 to authorize the purchase of hospice care, VA relies on the fee package accounting system to process placements and payments.

4. Does a veteran need to have a service connected condition in order for VA to offer to purchase or provide hospice care in the community or a VA facility?
   a. No, Handbook 1140.5 states “all enrolled veterans are eligible for a comprehensive array of needed in-home services. These services in VA’s Medical Benefits Package, including hospice and palliative care, are playing an increasingly important role in VHA’s integrated health care delivery system (CFR 17.38(a)(1)(xi)A).” Service connected status or the lack thereof does not alter the eligibility for VA hospice and palliative care.

5. If a VA facility offers to provide inpatient hospice care, does this eliminate the need to offer to purchase or provide home hospice care for veterans who desire and are appropriate for such home care?
   a. No, VHA Directive 2003-008 states, “VA must offer to provide or purchase hospice care that VA determines an enrolled veteran needs; this includes inpatient and home hospice care. (38 CFR 17.36 and 17.38).”

6. Is there a mechanism to garner eligibility for Priority Group 8 veterans in order for VA to offer to purchase or provide hospice and palliative care?
   a. Yes, VHA Directive 2004-067 Catastrophically Disabled Veteran Evaluation outlines the procedure for the “placement of eligible veterans determined to be catastrophically disabled in to Priority Group 4” through approval by the facility Chief of Staff.

7. May the VA refer enrolled veterans to community hospice programs for charity care?
   a. No, it is not appropriate to refer enrolled veterans to community hospice programs to receive charity care, as outlined in the May 25, 2005 memo from the Deputy Under Secretary for Health for Operations and Management. VHA Directive 2003-008: “…if a veteran in need of hospice care is not eligible for this care through a non-VA source or chooses to receive this care from VA, needed hospice care services are to be provided or purchased by VA.”

For questions, please contact Scott T. Shreve, DO, National Director of Hospice and Palliative Care via email at Scott.Shreve@med.va.gov or phone at 717-228-5946