

# **The COVID-19 Hospice Respite Care Relief Act of 2020 (S. 4423)**

**Introduced by Senators Brown & Capito**

**Medicare's Hospice Respite Care Benefit:** Medicare beneficiaries receiving hospice services and their caregiver(s) are eligible for short-term, inpatient, respite care services. Medicare will cover respite care if the hospice beneficiary's primary caregiver (most often a family member) is ill, needs rest, or is otherwise unable to care for the hospice patient.

**Limitations Under Current Law:** However, under current law, Medicare beneficiaries are only able to access respite care in an inpatient facility, such as a hospital, hospice inpatient center, or nursing home, and it is limited to just five days at a time.

**Challenges with Current Benefit During COVID-19:** The existing limitations on Medicare's hospice respite benefit have made it difficult for family caregivers to utilize this important benefit during the coronavirus (COVID-19) pandemic. For caregivers who may be diagnosed with COVID-19 or who may wish to quarantine for two weeks after being exposed to the virus, the current five-day respite care benefit is insufficient to allow that caregiver to take much needed rest and protect the hospice beneficiary from potential exposure.

Some caregivers are also hesitant to have their loved ones come home after an inpatient stay or are having more trouble than usual finding a safe discharge location due to fear about the hospice patient's exposure. In addition, some families are reluctant to utilize the respite benefit because doing so would mean moving their loved one into a congregate living facility – such as a hospital or nursing home – where there may be a greater risk of contracting the virus.

**Solution:** The *COVID-19 Hospice Respite Care Relief Act of 2020* (S. 4423) would provide the Secretary of Health and Human Services (HHS) with the authority to make the hospice respite care benefit more flexible during any public health emergency, including the current COVID-19 pandemic. This legislation would allow the Secretary to waive the existing benefit in the following two ways:

- Authority to waive the 5-day maximum for respite care when the caregiver is unable to provide care due to illness or isolation, for up to 15 days.
- Authority to waive the requirement that respite care only be provided in the inpatient setting, making the hospice respite benefit available to hospice patients in their place of residence, thereby keeping the patient safe and reducing exposure to COVID-19.

**Supporting Organizations:** The *COVID-19 Hospice Respite Care Relief Act of 2020* is supported by ElevatingHOME, Hospice of the Western Reserve, LeadingAge, LeadingAge Ohio, the National Association of Home Care and Hospice, the National Hospice Cooperative, the National Hospice and Palliative Care Organization, the National Partnership for Hospice Innovation, Ohio's Hospice, and the Visiting Nurse Associations of America.