The Medicare Hospice Conditions of Participation for Volunteer Leaders and Managers

Objectives

- At the end of this session, volunteer managers and leaders will:
  - Be familiar with the regulations that apply to the work of volunteers in the organization.
  - Be up to date on the newest interpretations of the regulations.
  - Be able to figure volunteer cost savings for their hospice.
  - Be able to ask questions for confusion and clarification.

The Medicare Statute

- 1982: Medicare hospice benefit passed by Congress.
- Statutory language requiring volunteers included:
  - “[The hospice program must]:
    i. utilize volunteers in its provision of care and services in accordance with standards set by the Secretary, which standards shall ensure a continuing level of effort to utilize such volunteers, and
    ii. maintain records on the use of these volunteers, and the cost savings and expansion of care and services achieved through the use of these volunteers.”

Conditions of Participation

- Regulations that carry out the requirements of the statute.
- Originally published in December 1983.
- Updated and published in June 2008.

Interpretive Guidelines

- Written as guidance for state surveyors.
- Further explanation for Conditions of Participation.
- Updated in January 2009.
- Gives surveyors questions to ask to “probe” further on a condition or a standard.
- Each requirement is labeled as an “L-tag.”

Volunteers Defined as Employees

- 1983 Hospice CoPs.
- Definition of “employees” included “volunteers.”
- Facilitated compliance with the core services requirement.
- In the 2008 Hospice CoPs, CMS elaborated on the ways in which volunteers—as employees—must be treated.
Volunteers Not Considered Employees

- I-9 Form does not need to be completed for volunteers
- Regulations issued by the U.S. Department of Homeland Security
- Form 1-9 should only be completed for a paid employee (i.e., “an individual who provides services or labor for an employer for wages or other remuneration….”).

2008 Medicare Hospice Conditions of Participation

418.52 Patient’s rights

- All written and verbal information to patients must inform the patients of the availability of volunteer services. Agency cooperation is needed to ensure that volunteer services are introduced to patients, so they can decide whether or not to elect those services.

2008 Medicare Hospice Conditions of Participation

418.56 Interdisciplinary group, care planning, and coordination of services

- Volunteer managers or volunteers must
  - be part of the care planning process
  - document on the plan of care for all patients receiving volunteer services
  - review, revise and document the individualized plan as frequently as the patient’s condition requires, but no less than every 15 calendar days.

2008 Medicare Hospice Conditions of Participation

§418.78 Condition of Participation: Volunteers

The hospice must use volunteers to the extent specified in paragraph (e) of this section. These volunteers must be used in defined roles and under the supervision of a designated hospice employee.

Interpretive Guidelines - §418.78

- Volunteers are considered hospice employees to facilitate compliance with the core services requirement.
- Procedures and Probes §418.78
  - Conduct an interview with the individual designated to supervise the volunteers regarding the use, training and supervision of volunteers.
2008 Medicare Hospice Conditions of Participation

§418.78(a) Standard: Training
• The hospice must maintain, document and provide volunteer orientation and training that is consistent with hospice industry standards.

Interpretive Guidelines §418.78(a) – L643
• All required volunteer training should be consistent with the specific tasks that volunteers perform.

Interpretive Guidelines - §418.78(a)
Probes:
• How does the hospice supervise the volunteers? Is there evidence that all volunteers receive the supervision necessary to perform their assignments?
• Is there documentation supporting that all the volunteers have received training or orientation before being assigned to a patient/family?

Specific Volunteer Requirements in 2008 COPs

Orientation and In-service Education
• 418.78(a) requires hospice providers to maintain, document and provide volunteer orientation as well as training that is consistent with the specific tasks that volunteers perform.

Volunteer Orientation
Regardless of the specific duties a volunteer will perform, orientation and training should include:
• Hospice goals, services and philosophy;
• Confidentiality and protection of the patient’s and family’s rights;
• Family dynamics, coping mechanisms and psychological issues surrounding terminal illness, death and bereavement; and
• Guidance related specifically to individual responsibilities.

In-service Training
Surveyors will look for documented evidence that volunteers:
1. are aware of their duties and responsibilities and
2. know to whom they should report before being assigned to a patient and family or given administrative duties.
Examples of In-Service Education

- Contact information if volunteer needs assistance and instructions regarding the performance of their duties and responsibilities,
- What procedures should be followed in an emergency or following the patient’s death.
- Instruction on specific activity or skill
- Provider should complete a competency evaluation of the volunteer’s performance—initially as well as on an ongoing basis

2008 Medicare Hospice Conditions of Participation

§418.78(b) Standard: Role

- Day-to-day administrative and/or direct patient care roles.

Interpretive Guidelines – L.644:

- Provide assistance in ancillary, office activities, direct patient care services
- Help patients and families with household chores, shopping, transportation, and companionship.

Interpretive Guidelines - §418.78(b)

§418.78(b) Interpretive Guidelines

- Non-administrative and non-direct patient care activities, although these services are not considered when calculating the level of activity described in standard (e).
- Duties spelled out in plan of care.
- Documentation of time spent and the services provided by volunteers

Interpretive Guidelines - §418.78(b)

§418.78(b) Interpretive Guidelines

- Qualified volunteers who provide professional services for the hospice must meet all requirements associated with their specialty area. If licensure or registration is required by the State, the volunteer must be licensed or registered.

Interpretive Guidelines - §418.78(b)

Probes §418.78(b)

- What evidence exists that the IDG conducts an assessment of the patient/family’s need for a volunteer?

2008 Medicare Hospice Conditions of Participation

§418.78(c) Standard: Recruiting and retaining

L645:

The hospice must document and demonstrate viable and ongoing efforts to recruit and retain volunteers.

No interpretive guidelines
2008 Medicare Hospice Conditions of Participation

§418.78(d) Standard: Cost saving
• Document cost savings achieved through the use of volunteers.
• Documentation must include the following:
  – Identify each position occupied by a volunteer.
  – Time spent by volunteers
  – Estimate the dollar costs that the hospice would have incurred if paid employees occupied the positions

Interpretive Guidelines - §418.78(d)
Interpretive Guidelines §418.78(d) – L646
• There is no requirement for what the cost savings must be, only on how it is computed.

§418.78(e) Standard: Level of activity
• Volunteers must provide day-to-day administrative and/or direct patient care services in an amount that, at a minimum, equals 5 percent of the total patient care hours of all paid hospice employees and contract staff.

Interpretive Guidelines - §418.78(e)
Interpretive Guidelines §418.78(e) – L647
• A hospice may fluctuate the volume of care provided by volunteers after the hospice meets the required 5 percent minimum.

Specific Volunteer Requirements in 2008 COPs

418.114: Criminal Background Checks
• Since volunteers are considered employees, they are included in the criminal background check requirement per CoP 418.114.

5% Calculation Requirement
• Written into the original Conditions of Participation for Hospices in 1983
• CMS gives following reasons:
  – Congress intended minimum participation requirements for volunteers
  – Preliminary data on the use of volunteers from the hospice demonstration project -- achievable goal for all types of hospices
  – Hospice groups have indicated that a 5% standard would be acceptable. Documentation to meet this standard required at the time of survey
5% Calculation Requirement

Rutine Administrative Duties
• Volunteers may assist in the hospice's ancillary and office activities that support direct patient care activities.
• These duties may include:
  – answering telephones
  – filing
  – assisting with patient and family mailings
  – data entry

Rutine Direct Patient Care
Activities such as:
• Direct patient care services
• Help patients and families with household chores
• Shopping
• Transportation
• Companionship

The key is that the volunteer has direct contact with the patient and the family.

Specific Volunteer Requirements in 2008 COPs

Computation of Travel Time
• If a hospice compensates its staff for travel time, the hospice can also count travel time for volunteers in meeting the 5 percent requirement.

Do Not Count in 5% Calculation

Unacceptable Duties
• Non-administrative and non-direct patient care activities
  – Craft projects
  – Quilting/sewing/knitting
  – Training
  – Board meetings
  – Orientation and in-service education
  – Fundraising
  – Interdisciplinary team meetings
• CMS has stated that they are not eligible for inclusion in the “5 %” calculation.

Calculation Formula
\[
\text{Volunteer Time} = \frac{\text{Volunteer Direct Patient Care Hours} + \text{Volunteer Administrative Staff Hours}}{\text{Total Volunteer Hours}} \times 100\%
\]
Calculating the Value
National Hospice and Palliative Care Organization
2011 Volunteer Value Calculator

To calculate the monetary value of your volunteers:
1. Enter the total number of hours contributed by all your volunteers in 2011 in the green box
2. Enter the total number of volunteers your hospice utilized in 2011 in the purple box

<table>
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<th>$21.79</th>
<th>Value of volunteer service per hour – 2011 rate</th>
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<td>$2,000</td>
<td>Total number of hours contributed by all volunteers in 2011</td>
</tr>
<tr>
<td>100</td>
<td>Total number of volunteers utilized in your hospice</td>
</tr>
</tbody>
</table>

$261,480 Value of volunteer time in 2011
$2,179 Value of contribution of each volunteer in 2011

* Independent Sector April, 2012

To find the value of volunteer time by state, see www.independentsector.org/volunteer_time

• Dollar Value of a Volunteer Hour, by State: 2010

http://www.independentsector.org/volunteer_time

Please note that 2010 is the latest year for which state-by-state numbers are available. There is a lag of almost one year in the government’s release of state level data which explains why the state volunteering values are one year behind the national value.