



DIVISION OF SUPPORTIVE LIVING

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**To:** Hospices

HSPC - 01

**From:** Janet Eakins, Chief  
Provider Regulation and Quality Improvement Section

**cc:** Susan Schroeder, Director  
Bureau of Quality Assurance

### Palliative and Supportive Services for Individuals Who Have Not Elected Hospice

The Bureau of Quality Assurance (BQA) recognizes a national trend for hospice agencies to offer palliative and supportive service programs to individuals who are not terminally ill or who choose not to be admitted to a hospice because they are pursuing treatment to cure a medical condition. BQA has received requests from hospice agencies in Wisconsin to be allowed to provide palliative and supportive services to these individuals.

Under sections 50.90 to 50.981, Wis. Statutes and chapter HFS 131, Wisconsin Administrative Code, a hospice agency must be "primarily" engaged in providing palliative and supportive care to individuals with terminal illness, which is a life expectancy of less than 12 months. Palliative care does not include treatment to cure a medical condition or artificially prolong life.

Wisconsin law does not preclude a hospice agency from using its expertise and multidisciplinary approach to provide palliative and supportive services to other individuals who are not traditional hospice patients. However, the primary activity of the hospice must be the provision of palliative and supportive care to terminally ill individuals.

CMS's recent transmittal, A-02-102, at [http://cms.hhs.gov/manuals/pm\\_trans/A02102.pdf](http://cms.hhs.gov/manuals/pm_trans/A02102.pdf), addresses this issue in regard to federal hospice requirements and also reaches the conclusion that "primarily" does not mean "exclusively."

The Department of Health and Family Services is mindful of the health, safety and welfare needs of individuals who are not terminally ill or choose not to be admitted to a hospice, but want to obtain palliative and supportive services. Accordingly, the Department will develop additional rules in chapter HFS 131 to clarify the role of a hospice agency in providing palliative and supportive services to those individuals. BQA will actively seek provider input in this process.

Questions related to this memo can be directed to the following individuals:

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