

HealthAssistance PartnerSHIP

Helping SHIPs Help Medicare Beneficiaries

March 6, 2007

Bonnie L. Harkless
CMS, Office of Strategic Operations and Regulatory Affairs
Division of Regulations Development - C
Room C4-26-05
7500 Security Blvd.
Baltimore, MD 21244-1850

Dear Ms. Harkless:

I am writing on behalf of the Health Assistance Partnership (HAP) with comments on the Important Message from Medicare. HAP is a non-profit organization whose mission is to support the State Health Insurance & Assistance Programs (SHIPs) in their work on behalf of Medicare beneficiaries. We truly appreciate the opportunity to add our comments to those of other beneficiary advocates. We hope they are helpful to CMS in its effort to ensure that Medicare beneficiaries receive the highest quality of care.

HAP is concerned that the revised Important Message (IM) lacks clarity about what patients can expect from the physician and discharge staff as to notice of an impending discharge. The IM reads, "When your doctor or Plan decides you no longer need hospital care...you will be informed of the discharge date." Who delivers this official notice? How do they do it; orally or in writing? Who does the patient contact if she or he has questions? The IM is silent on these critical points. We would prefer alternative language such as: "When your doctor or Plan decides you no longer need hospital care...*your physician or hospital nursing staff or discharge staff* will inform you orally (or in writing) of your discharge date."

Because a beneficiary's appeal rights will now depend so much on the quality of the discharge date notice, it is essential for the IM and the hospitals to be clear about the process. Vagueness on this key point threatens those rights.

We also offer these specific suggestions to improve the IM:

- Add space at the top of the IM for the hospital to insert the name of a hospital staff contact person who is able to answer questions about the IM.
- At the bottom of the front page, modify the signature statement to read: "Please sign below to show that you have received this notice, *a hospital staff person has fully explained it to you*, and you understand it.

1201 New York Avenue, Suite 1100, NW • Washington, DC 20005
Tel: 202-737-6340 • Fax: 202-737-8583
Email: infohap@hapnetwork.org Web Site: www.hapnetwork.org

- Require the hospital staff person who discusses the IM with a patient to sign it also, and add a line for her or his signature under the patient's or representative's signature line.

We look forward to seeing the final version of the IM, along with CMS's guidance for its implementation and use. Thank you again for seeking our comments.

Sincerely yours,

Michael Klug, J.D.

Michael Klug, J.D.

Director, Education and Training

Health Assistance Partnership

1201 New York Avenue, Suite 1100, NW • Washington, DC 20005

Tel: 202-737-6340 • Fax: 202-737-8583

Email: infohap@hapnetwork.org Web Site: www.hapnetwork.org