

U.S. House and Senate Notification

Thursday, September 9, 2010

To: Congressional Health Staff
From: Amy Hall
Director, Office of Legislation
Centers for Medicare & Medicaid Services

Re: Hospice Care for Children in Medicaid and CHIP

Today, the Centers for Medicare & Medicaid Services (CMS) released a letter to State Medicaid Directors (SMDs) providing guidance to States on the implementation of section 2302 of the Affordable Care Act, entitled "Concurrent Care for Children." This provision removes the prohibition on receiving curative treatment upon the election of the hospice benefit by or on behalf of children enrolled in Medicaid or the Children's Health Insurance Program (CHIP).

The Affordable Care Act does not change the criteria for who can receive hospice services; however, prior to enactment of the new law, curative treatment of a terminal illness ceased upon election of the hospice benefit. This new provision requires States to make hospice services available to children eligible for Medicaid and Medicaid-expansion CHIP programs without forgoing any other service to which the child is entitled under Medicaid for treatment of the terminal condition. These services and supports may include pain and symptom management and family counseling provided by specially-trained hospice staff. States with stand-alone CHIP programs continue to have the option to provide hospice services, but if they cover hospice services they must comply with the new requirements under the Affordable Care Act.

For your convenience, a copy of the SMD letter is attached. All SMD letters may be found on the CMS website at:
<http://www.cms.gov/SMDL/SMD/list.asp>.

If you have questions about this notification, please contact the CMS Office of Legislation at 202-690-8220. Thank you.