



MEMORANDUM

TO: NH Title XIX Hospice Providers
FROM: HP (formerly EDS) and NH Medicaid
DATE: October 4, 2010
SUBJECT: Waiver of Treatment Services No Longer Required for Children on Hospice

We have received notice that Section 2302 of the Affordable Care Act, which amends section 1905(o)(1) of the Social Security Act, removes the prohibition on children for receiving curative treatment upon election of the hospice benefit. This was effective upon enactment of the Act on March 23, 2010. Therefore, NH Title XIX will continue to cover services for which a child is eligible under Title XIX for treatment of the terminal condition, and hospice providers should no longer require children to waive their rights to treatment.

In accordance with the hospice rules at He-W 544.04(b), the election statement obtained by the hospice provider must contain a statement related to waiving of rights. We suggest that each hospice provider review the language on their forms to determine if it needs to be changed based upon whether or not the individual receiving hospice care is a child or an adult.

We plan to add a section to the rules to clarify that recipients under the age of 21 (which is how NH is electing to define children) are not required to waive their rights to Title XIX services related to treatment of the recipient's condition for which a diagnosis of terminal illness has been made.

For your convenience, the wording of new subparagraph (C) of 1905(o)(1) of the Social Security Act is provided as follows:

"(C) A voluntary election to have payment made for hospice care for a child (as defined by the State) shall not constitute a waiver of any rights of the child to be provided with, or to have payment made under this title for, services that are related to the treatment of the child's condition for which a diagnosis of terminal illness has been made."

If you have any questions, please contact Patti Dean at 1-800-852-3345, ext 5219 (NH only) or (603) 271-5219.