

Appendix 1: Section 2302 SSA - Concurrent Care for Children

Section 2302 of the Affordable Care Act (ACA), titled “Concurrent Care for Children”, amended sections 1905(o)(1) and 2210(a)(23) of the Social Security Act. The complete Social Security Act can be found at www.ssa.gov/OP_Home/ssact/ssact-toc.htm. Below are sections 1905(o)(1) and 2210(a)(23), with the portions amended by the ACA, highlighted.

Section 1905, (o)(1), of the Social Security Act

- a. Subject to subparagraphs (B) and (C), the term “hospice care” means the care described in section 1861(dd)(1) furnished by a hospice program (as defined in section 1861(dd)(2)) to a terminally ill individual who has voluntarily elected (in accordance with paragraph (2)) to have payment made for hospice care instead of having payment made for certain benefits described in section 1812(d)(2)(A) and for which payment may otherwise be made under title XVIII and intermediate care facility services under the plan. For purposes of such election, hospice care may be provided to an individual while such individual is a resident of a skilled nursing facility or intermediate care facility, but the only payment made under the State plan shall be for the hospice care.
- b. For purposes of this title, with respect to the definition of hospice program under section 1861(dd)(2), the Secretary may allow an agency or organization to make the assurance under subparagraph (A)(iii) of such section without taking into account any individual who is afflicted with acquired immune deficiency syndrome (AIDS).
- 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.

Section 2110, (a)(23), of the Social Security Act

Hospice care. (concurrent, in the case of an individual who is a child, with care related to the treatment of the child’s condition with respect to which a diagnosis of a terminal illness has been made.