



TOBY DOUGLAS  
*Director*

State of California—Health and Human Services Agency  
**Department of Health Care Services**



EDMUND G. BROWN JR.  
*Governor*

FEB 10 2011

MMCD Policy Letter 11-004

TO: ALL MEDI-CAL MANAGED CARE HEALTH PLANS

SUBJECT: THE IMPLEMENTATION OF SECTION 2302 OF THE AFFORDABLE CARE ACT, ENTITLED "CONCURRENT CARE FOR CHILDREN."

This Policy Letter (PL) provides guidance on the implementation of Section 2302 of the Affordable Care Act (ACA). It addresses providing curative treatments in conjunction with hospice care for children participating in Medicaid or Children's Health Insurance Program (CHIP).

Section 2302 of the ACA amends sections 1905(o)(1) and 2110(a)(23) of the Social Security Act to remove the prohibition of receiving curative treatment upon the election of the hospice benefit by or on behalf of a child participating in Medicaid or CHIP. The ACA does not change the criteria for receiving hospice services; however, prior to enactment of the new law, curative treatment of the terminal illness ceased upon election of the hospice benefit. This new provision requires states to make hospice services available to children participating in Medicaid or CHIP without forgoing other services to which the child is entitled for treatment of the terminal condition. This provision became effective upon enactment of the ACA on March 23, 2010.

Contract amendments to incorporate this change will begin in the next few weeks, however, managed care health plans (Plans) shall cover and ensure the provision of hospice care services in accordance with all state and federal laws, rules, and regulations, including Sections 1905(o)(1) and 2110(a)(23) of the Social Security Act effective immediately. Plans must ensure that members and their families are fully informed of the availability of hospice care as a covered service and the methods by which they may elect to receive these services.

If you have any questions regarding this PL, please contact Dr. Sherrie Smalley, Chief, Medical Policy Section at (916) 449-5149 or at [Sherrie.Smalley@dhcs.ca.gov](mailto:Sherrie.Smalley@dhcs.ca.gov).

Sincerely,

**Original Signed by Tanya Homman, Chief**

Medi-Cal Managed Care Division