

(1) Amend Section 51180 as follows:

§ 51180. Hospice Care.

(a) Hospice care means the provision of palliative and supportive items and services described below to a terminally ill individual as defined in Section 51180.2, who has voluntarily elected to receive such care in lieu of curative treatment related to the terminal condition, by a hospice provider or by others under arrangements made by a hospice provider:

- (1) Nursing services;
- (2) Physical or occupational therapy, or speech-language pathology;
- (3) Medical social services under the direction of a physician;
- (4) Home health aide and homemaker services;
- (5) Medical supplies and appliances;
- (6) Drugs and biologicals;
- (7) Physician services;
- (8) Short-term inpatient care;
- (9) Counseling, including bereavement, dietary and spiritual counseling;
- (10) Any other item or service for which payment may otherwise be made

under the Medi-Cal Program.

(b) Hospice care for a child, under the age of 21, shall also include the items and services specified in subsection (a) for care related to curative treatment.

Note: Authority cited: Section 20, Health and Safety Code; and Sections 10725, 14105 and 14124.5, Welfare and Institutions Code. Reference: Sections 14053, and 14132, and 14132.74, Welfare and Institutions Code; and 42 U.S.C. Sections 1395d (a)(4), 1395d (d)(1), 1396d (o) and 1397jj (a)(23).

(2) Amend Section 51349 as follows:

§ 51349. Hospice Care.

*Subsections (a) through (c) – No Changes*

(d) An individual who elects to receive hospice care, or that individual's representative as defined in Section 51180.37 must file an election statement with the hospice providing the care. The election statement shall include:

(1) Identification of the hospice.

(2) The individual's or representative's acknowledgement that:

(A) ~~He or she has full understanding that the h~~Hospice care provided to adults shall given as it relates to the individual's terminal illness will be palliative rather than curative in nature, or-

(B) Hospice care provided to a child, under the age of 21, may be palliative and curative at the discretion of the treating physician.

~~(B)(C)~~ For adults, eCertain Medi-Cal benefits as specified in subsection (f) are waived by the election.

(3) The effective date of the election.

(4) The signature of the individual or representative.

(e) Elections, as specified under subsection (d), may be made for up to two periods of 90 days each, ~~one subsequent period of 30 days, and one 180-day extension of the 30-day period. Hospice services shall not be covered beyond 390 days.~~ and for an unlimited number of subsequent periods of 60 days each.

(1) Payment shall be made for hospice care on behalf of an individual who voluntarily elects such care only during the two periods of 90 days each ~~and one subsequent period of 30 days and any subsequent extension~~ and during the unlimited number of subsequent periods of 60 days each during the individual's lifetime.

(2) An election period shall be considered to continue through the initial election period and through subsequent election periods as long as the hospice provider agrees to renew the election and as long as the individual:

- (A) Remains in the care of the hospice; and
- (B) Does not revoke the election.

(3) An individual's voluntary election may be revoked or modified at any time. To revoke the election of hospice care, the individual or representative must file a statement with the hospice that includes the following information:

- (A) A signed statement that the individual or representative revokes the individual election for Medi-Cal coverage for the remainder of the election period.
- (B) The effective date, which may not be earlier than the date the revocation is made.

(4) Revocation shall constitute a waiver of the right to hospice care during the remainder of the current 90 or ~~30~~ subsequent 60-day election periods ~~plus any extension~~. individual or individual's legal representative.

*Subsections (e)(5) through (j) – No changes*

Note: Authority cited: Section 20, Health and Safety Code; and Sections 10725, 14105 and 14124.5, Welfare and Institutions Code. Reference: Sections 14053, 14132, ~~and 14132.74 and 14133.85~~, Welfare and Institutions Code; 42 U.S.C.

Sections 1395d (a)(4), 1395d (d)(1), 1396d (o) and 1397jj (a)(23); and 42 CFR Section 418.21.