
PROGRAM MEMORANDUM INTERMEDIARIES/CARRIERS

Department of Health
and Human Services

Health Care Financing
Administration

Transmittal No. AB-00-52

Date JUNE 2000

This Program Memorandum re-issues Program Memorandum AB-99-31, Change Request 851 dated May 1999. The only change is the discard date; all other material remains the same.

CHANGE REQUEST 851

SUBJECT: Assisted Suicide Funding Restriction Act of 1997 (P.L. 105-12)

The purpose of this Program Memorandum is to apprise carriers and intermediaries of the Assisted Suicide Funding Restriction Act of 1997 (Public Law 105-12). This Act prohibits the use of Federal funds to provide or pay for any health care item or service or health benefit coverage for the purpose of causing, or assisting to cause, the death of any individual. The prohibition does not pertain to the withholding or withdrawing of medical treatment or care, nutrition or hydration. In addition, the prohibition does not pertain to the provision of an item or service for the purpose of alleviating pain or discomfort, even if such use may increase the risk of death, so long as the item or service is not furnished for the specific purpose of causing death. The list of programs to which the prohibition applies includes the Medicare program and §1862 (a) of the Social Security Act (the Act), was amended by adding a new paragraph (16) referencing the Assisted Suicide Funding Restriction Act.

We do not envision any revisions to existing policy, since Medicare payment for such services is already excluded by §1862 (a) (1) (A) of the Act which states that no payment may be made under Part A or Part B for any expenses incurred for items or services that are not reasonable and necessary for the diagnosis or treatment of illness or injury, or to improve the functioning of a malformed body member.

Implementation date for this Program Memorandum N/A.

These instructions should be implemented within your current operating budget.

Contractors should address any questions regarding this Program Memorandum to their appropriate regional office. Regional office staff may contact Diane Milstead at (410) 786-3355.

| This Program Memorandum may be discarded after January 1, 2001.