



STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Aging and Long-Term Support Administration
PO Box 45600, Olympia, WA 98504-5600

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AL TSA: NH #2015-004

CLARIFICATION OF TERMS IMPLICATING THE SPOUSAL RELATIONSHIP IN REGULATIONS AND GUIDANCE FOR MEDICARE AND MEDICAID CERTIFIED PROVIDERS AND SUPPLIERS

Dear Nursing Facility/Home Administrator:

Recently, the Center of Medicare and Medicaid Services (CMS) issued S&C Memo 15-13- All clarifying terms implicating a spousal relationship in regulations and guidance for Medicare and Medicaid certified providers. The clarifications are effective immediately.

In accordance with the Supreme Court decision that section 3 of the Defense of Marriage Act (DOMA) is unconstitutional, the federal government will recognize same-sex marriages when administering Federal statutes and programs. CMS is clarifying guidance to providers to include the following:

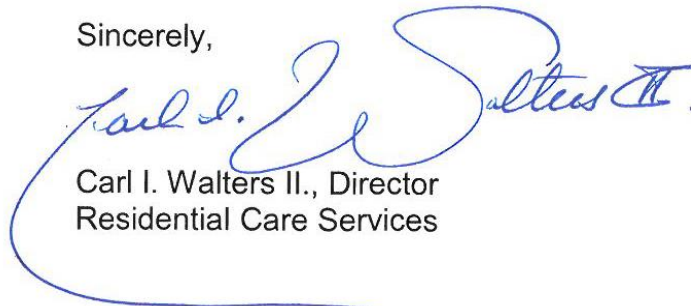
- Revisions to the guidance for the following terms: "spouse," "marriage," "family," and "relative."
- Except where CMS regulations explicitly requires an interpretation in accordance with State law, wherever the text of a regulation or associated guidance uses the above terms or includes a reference to a patient's or resident's "representative," "surrogate," "support person," "next-of-kin," or similar term in such a manner as would normally implicitly or explicitly include a spouse, the terms are to be interpreted consistent with the revised guidance.

Please note: CMS intends to propose a rule which would ensure that certain requirements are consistent with United States v. Windsor, 570 U.S. 12, 133 S. Ct. 2675 (2013). Specifically, the proposed rule would revise certain definitions and patient's rights provisions that currently defer to State law, in order to ensure that same-sex spouses in legally-valid marriages are recognized and afforded equal rights in Medicare and Medicaid participating facilities.

You can review the CMS S&C memo and revisions to Appendix PP on the internet at: <http://www.cms.gov/Medicare/Provider-Enrollment-and-Certification/SurveyCertificationGenInfo/Downloads/Survey-and-Cert-Letter-15-13.pdf>

Thank you for your continued commitment to nursing home residents. If you have any questions, please contact your RCS Field Manager.

Sincerely,



Carl I. Walters II., Director
Residential Care Services

"Transforming Lives"