



February 10, 2015

Andrew Slavitt  
Acting Administrator  
Centers for Medicare & Medicaid Services  
Department of Health and Human Services  
Attention: CMS-3302-P  
P.O. Box 8013  
Baltimore, MD 21244-8013

RE: Comments on Proposed Regulation – Medicare and Medicaid Program; Revisions to Certain Patient’s Rights Conditions of Participation and Conditions of Coverage; 79 Fed. Reg. 73873 (December 12, 2014)

Dear Acting Administrator Slavitt:

The National Consumer Voice for Quality Long-Term Care (Consumer Voice) welcomes the opportunity to provide comments on the proposed rule to extend protections from discrimination to same-sex spouses of individuals receiving care and services in Medicare and Medicaid certified facilities. The Consumer Voice is a non-profit organization dedicated to promoting quality long-term care and services for all individuals, regardless of where they live.

The Consumer Voice strongly supports the provisions in the proposed regulation, which explicitly extends the same rights and protections to same-sex spouses of individuals as afforded to opposite-sex spouses. We also applaud CMS for applying the “celebration rule” - recognizing marriages that are valid in the jurisdiction in which it was performed, thus extending protections to those individuals and spouses who may reside in a state that has not yet recognized same-sex marriage, but whose marriage was performed and recognized as valid in another state.

We also endorse and encourage CMS adopt the recommendations of the National Senior Citizens Law Center (NSCLC), specifically:

(1) that the regulations include a comprehensive statement prohibiting discrimination;  
and

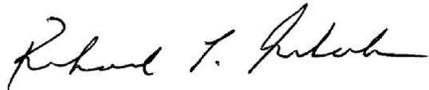
(2) specifically extending to same-sex spouses equal protections for all spousal rights, not just those around decision-making for residents who cannot make decisions for him/herself, but has not been adjudged incompetent.

The Consumer Voice supports the suggested language offered by NSCLC for §483.10(a) and §483.10(m), and recommends CMS incorporate that language into the final regulation.

The Consumer Voice also endorses the comments submitted by SAGE, and encourages CMS to incorporate their recommendations into the final rule.

Thank you for the opportunity to comment.

Sincerely,



Richard Gelula  
Executive Director



Robyn Grant  
Director, Public Policy & Advocacy