

119TH CONGRESS
2D SESSION

H. R. 8376

To amend title XVIII of the Social Security Act to clarify the policy for coverage under the Medicare program for palliative dialysis services, and clarify separate payment for such palliative dialysis services, furnished by renal dialysis facilities and providers of services to certain individuals electing hospice care, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 20, 2026

Mr. KELLY of Pennsylvania (for himself and Ms. DELBENE) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title XVIII of the Social Security Act to clarify the policy for coverage under the Medicare program for palliative dialysis services, and clarify separate payment for such palliative dialysis services, furnished by renal dialysis facilities and providers of services to certain individuals electing hospice care, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Concurrent Care for
3 Comfort Act”.

4 **SEC. 2. CLARIFICATION AND APPLICATION OF POLICY PRO-**
5 **VIDING FOR COVERAGE OF CONCURRENT**
6 **PALLIATIVE DIALYSIS SERVICES AND HOS-**
7 **PICE CARE TO INDIVIDUALS ELECTING HOS-**
8 **PICE CARE.**

9 (a) IN GENERAL.—Section 1812(d)(2)(A) of the So-
10 cial Security Act (42 U.S.C. 1395d(d)(2)(A)) is amended
11 by inserting “, to palliative dialysis services (as defined
12 in section 1881(b)(15)(E)) furnished by a provider of
13 services or renal dialysis facility to a palliative dialysis eli-
14 gible individual (as defined in such section),” after “(if
15 not an employee of the hospice program)”.

16 (b) SEPARATE PAYMENT FOR PALLIATIVE DIALYSIS
17 SERVICES FURNISHED BY PROVIDERS OF SERVICES AND
18 KIDNEY DIALYSIS FACILITIES.—

19 (1) PAYMENT SEPARATE FROM HOSPICE CARE
20 BUNDLE.—Section 1814(i) of the Social Security
21 Act (42 U.S.C. 1395f(i)) is amended by adding at
22 the end the following new paragraph:

23 “(8) In the case of palliative dialysis services
24 (as defined in section 1881(b)(15)(E)) furnished by
25 a provider of services or renal dialysis facility to a
26 palliative dialysis eligible individual (as defined in

such section) during a period of an election under section 1812(d)(1) made by such individual, the provider of services or renal dialysis facility shall bill and be paid for such dialysis in accordance with section 1881(b)(15).”.

(2) PAYMENT METHODOLOGY.—Section 1881(b) of the Social Security Act (42 U.S.C. 1395r(b)) is amended by adding at the end the following new paragraph:

“(15) PAYMENT FOR PALLIATIVE DIALYSIS SERVICES FURNISHED TO INDIVIDUALS ELECTING HOSPICE CARE.—

“(A) IN GENERAL.—For 2026 and each subsequent year, the Secretary shall, taking into account the assessment and considerations described in subparagraph (B) and pursuant to rulemaking, establish a methodology for determining, with respect to a palliative dialysis eligible individual whose election under section 1812(d)(1) to receive hospice care is for a period occurring during such year, the payment amounts under this title for palliative dialysis services furnished by a provider of services or renal dialysis facility during such period to such

1 individual in a facility or to such individual at
2 home.

3 “(B) CONSIDERATIONS.—In implementing
4 the methodology under subparagraph (A), the
5 Secretary shall—

6 “(i) consider calculating payment
7 amounts for such services based on the
8 amounts that would otherwise be cal-
9 culated under the system established under
10 paragraph (14) for comparable renal dialy-
11 sis services described in such paragraph;
12 and

13 “(ii) consider, after assessing the re-
14 sources directly or indirectly related to fur-
15 nishing palliative dialysis services nec-
16 essary for providers of services and renal
17 dialysis facilities to furnish palliative dialy-
18 sis services to palliative dialysis eligible in-
19 dividuals in a facility or to such individuals
20 at home, any adjustments that should be
21 applied in calculating such payments
22 amounts based on such assessment.

23 “(C) LIMITATIONS.—

24 “(i) IN GENERAL.—Subject to clause
25 (ii), payment may not be made under this

1 title for more than ten sessions of pallia-
2 tive dialysis services furnished to a pallia-
3 tive dialysis eligible individual. In the case
4 of home dialysis, including peritoneal dialy-
5 sis, this subparagraph shall be applied by
6 converting the number of days of such di-
7 alysis to hemodialysis equivalent sessions,
8 in accordance with the methodology speci-
9 fied in section 50 of Chapter 11 of the
10 Medicare Benefit Policy Manual, or any
11 successor to such section.

12 “(ii) SECRETARIAL AUTHORITY TO
13 MODIFY LIMITATION.—

14 “(I) ASSESSMENT AND DETER-
15 MINATION.—For 2029 the Secretary
16 shall (and for any subsequent year,
17 the Secretary may) pursuant to rule-
18 making—

19 “(aa) assess the appro-
20 priateness of the limitation speci-
21 fied under clause (i) for such
22 year, based on data on deter-
23 minations regarding coverage of
24 palliative dialysis services fur-
25 nished to palliative dialysis eligi-

ble individuals pursuant to this paragraph and stakeholder feedback on such coverage; and

“(bb) based on such assessment, determine for such year whether to apply a limit on the number of sessions of palliative dialysis services (other than the number specified under clause (i)) and, if so, specify such other number that is to be applied for such year.

“(II) APPLICATION OF MODIFIED NUMBER LIMIT.—For any year for which the Secretary specifies a number pursuant to subclause (I)(bb) other than the number specified in clause (i), clause (i) shall be applied as if the reference to ten sessions were a reference to such different number of treatments specified by the Secretary.

“(D) COST-SHARING.—Under the methodology under subparagraph (A), the deductible and coinsurance provisions under this title that

1 would apply with respect to kidney dialysis serv-
2 ices for which payment may be made under this
3 section (other than this paragraph) shall also
4 apply with respect to palliative dialysis services
5 furnished to a palliative dialysis eligible indi-
6 vidual for which payment is made pursuant to
7 this paragraph.

8 “(E) PALLIATIVE DIALYSIS SERVICES AND
9 PALLIATIVE DIALYSIS ELIGIBLE INDIVIDUAL
10 DEFINED.—For purposes of this paragraph:

11 “(i) PALLIATIVE DIALYSIS SERV-
12 ICES.—The term ‘palliative dialysis serv-
13 ices’ means, with respect to a palliative di-
14 alysis eligible individual, dialysis services
15 specified by the Secretary that are fur-
16 nished to the individual (in a facility or at
17 home) as palliative care, and not for pur-
18 poses of treatment or maintenance, in ac-
19 cordance with a plan of care certified by
20 the individual’s physician in consultation
21 with the interdisciplinary group described
22 in section 1861(dd)(2)(B), and which may
23 include other services specified by the Sec-
24 retary, such as non-emergency transpor-
25 tation for which payment would otherwise

1 be available under this section in connec-
2 tion with receipt of maintenance dialysis
3 services.

4 “(ii) PALLIATIVE DIALYSIS ELIGIBLE
5 INDIVIDUAL.—The term ‘palliative dialysis
6 eligible individual’ means an individual
7 with end-stage renal disease who makes an
8 election under section 1812(d)(1) and who
9 as of the date of such election was receiv-
10 ing renal dialysis services (as described in
11 section 1881(b)(14)(B)).

12 “(F) CLARIFICATION.—None of the provi-
13 sions of this paragraph shall affect coverage or
14 payment under this title which would otherwise
15 apply for renal dialysis services for treatment or
16 maintenance for individuals with end-stage
17 renal disease who make an election for hospice
18 care under section 1812(d)(1) on the basis of a
19 primary health condition other than a terminal
20 condition that is not related to end-stage renal
21 disease.”.

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