



## **Assisted Suicide Funding Restriction Act of 1997 (P.L. 105-12)**

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The [Assisted Suicide Funding Restriction Act of 1997 \(P.L. 105-12\)](#) 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 including mercy killing, euthanasia, or assisted suicide.

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 or accelerating death. The list of programs to which the prohibition applies includes the Medicare program and Section 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. CMS will be updating the Provider Reimbursement Manual cost report instructions for hospices so as to include costs prohibited by the Act as an example of a non-reimbursable cost center.

### **DOCUMENT HISTORY**

<b>Date of Change</b>	<b>Description</b>
January 5, 2021	Initial article released.

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