



MEDICARE DRUG & HEALTH PLAN CONTRACT ADMINISTRATION GROUP

DATE: April 1, 2014

TO: All Program of All-Inclusive Care for the Elderly (PACE) Organizations

FROM: Danielle R. Moon, J.D., M.P.A.,
Director

SUBJECT: Impact of United States v. Windsor on the Program of All-Inclusive Care for the Elderly (PACE) – EFFECTIVE IMMEDIATELY

The purpose of this memorandum is to advise Program of All-Inclusive Care for the Elderly (PACE) Organizations that consistent with the U.S. Supreme Court’s holding in United States v. Windsor, CMS interprets the word “family,” as used in 42 C.F.R. part 460 for PACE and any related guidance, manuals, or other materials that address the PACE program, to include individuals of the same sex who are lawfully married under the law of a state, territory, or foreign jurisdiction, regardless of the state in which the couple resides. This guidance is not intended to affect programs other than PACE.

In United States v. Windsor, 570 U.S. ___, 133 S. Ct. 2675 (2013), the Supreme Court held that section 3 of the Defense of Marriage Act (DOMA) is unconstitutional because it violates the principles of equal protection. Section 3 of DOMA provided that:

In determining the meaning of any Act of Congress, or of any ruling, regulation, or interpretation of the various administrative bureaus and agencies of the United States, the word “marriage” means only a legal union between one man and one woman as husband and wife, and the word “spouse” refers only to a person of the opposite sex who is a husband or a wife. 1 U.S.C. § 7.

The Supreme Court’s opinion in Windsor means that Federal government is no longer prohibited from recognizing the validity of same-sex marriages when administering Federal statutes and programs.

If you have any questions about the guidance in this memorandum, please submit your questions to our PACE mailbox, which can be found at <https://dmao.lmi.org/>.