

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.

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## 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

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## 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

1 such section) during a period of an election under  
2 section 1812(d)(1) made by such individual, the pro-  
3 vider of services or renal dialysis facility shall bill  
4 and be paid for such dialysis in accordance with sec-  
5 tion 1881(b)(15).”.

6 (2) PAYMENT METHODOLOGY.—Section  
7 1881(b) of the Social Security Act (42 U.S.C.  
8 1395r(b)) is amended by adding at the end the fol-  
9 lowing new paragraph:

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

13 “(A) IN GENERAL.—For 2026 and each  
14 subsequent year, the Secretary shall, taking  
15 into account the assessment and considerations  
16 described in subparagraph (B) and pursuant to  
17 rulemaking, establish a methodology for deter-  
18 mining, with respect to a palliative dialysis eli-  
19 gible individual whose election under section  
20 1812(d)(1) to receive hospice care is for a pe-  
21 riod occurring during such year, the payment  
22 amounts under this title for palliative dialysis  
23 services furnished by a provider of services or  
24 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-

1 ble individuals pursuant to this  
2 paragraph and stakeholder feed-  
3 back on such coverage; and

4 “(bb) based on such assess-  
5 ment, determine for such year  
6 whether to apply a limit on the  
7 number of sessions of palliative  
8 dialysis services (other than the  
9 number specified under clause  
10 (i)) and, if so, specify such other  
11 number that is to be applied for  
12 such year.

13 “(II) APPLICATION OF MODIFIED  
14 NUMBER LIMIT.—For any year for  
15 which the Secretary specifies a num-  
16 ber pursuant to subclause (I)(bb)  
17 other than the number specified in  
18 clause (i), clause (i) shall be applied  
19 as if the reference to ten sessions were  
20 a reference to such different number  
21 of treatments specified by the Sec-  
22 retary.

23 “(D) COST-SHARING.—Under the method-  
24 ology under subparagraph (A), the deductible  
25 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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