



AMERICAN ACADEMY OF
FAMILY PHYSICIANS
STRONG MEDICINE FOR AMERICA

January 26, 2015

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

Dear Administrator Tavenner:

On behalf of the American Academy of Family Physicians (AAFP), which represents 115,900 family physicians and medical students across the country, I write in response to [proposed rule](#) titled "Medicare and Medicaid Program; Revisions to Certain Patient's Rights Conditions of Participation and Conditions for Coverage" as published by the Centers for Medicare & Medicaid Services (CMS) in the December 12, 2014 *Federal Register*.

This proposed rule revises the applicable conditions of participation for providers, conditions for coverage for suppliers, and requirements for long-term care facilities, to ensure that requirements are consistent with the Supreme Court decision in *United States v. Windsor* and HHS policy. Specifically, this regulation proposes to revise definitions and patients' rights provisions to ensure that same-sex spouses in legally valid marriages are recognized and afforded equal rights in Medicare and Medicaid participating facilities, such as ambulatory surgical centers, hospices, hospitals, long-term care facilities, skilled nursing facilities, and community mental health centers.

It is AAFP [policy](#) to support equality for same-gender families. The AAFP supports civil marriage for same-gender couples to contribute to overall health and longevity, improved family stability, and to benefit children of gay, lesbian, bisexual, transgender (GLBT) families. Therefore, the AAFP fully supports the changes CMS proposes and urges CMS to promulgate a final rule promptly.

We appreciate the opportunity to provide these comments and make ourselves available for any questions you might have. Please contact Robert Bennett, Federal Regulatory Manager, at 202-232-9033 or rbennett@aafp.org.

Sincerely,

Reid B. Blackwelder, MD, FAFAP
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