



December 22, 2020

The Honorable Seema Verma
Administrator, Centers for Medicare & Medicaid Services
U.S. Department of Health and Human Services
7500 Security Boulevard
Baltimore, MD 21244-1850

Re: Medicaid Program; Patient Protection and Affordable Care Act; Reducing Provider and Patient Burden by Improving Prior Authorization Processes, and Promoting Patients' Electronic Access to Health Information for Medicaid Managed Care Plans, State Medicaid Agencies, CHIP Agencies and CHIP Managed Care Entities, and Issuers of Qualified Health Plans on the Federally-facilitated Exchanges; Health Information Technology Standards and Implementation Specifications (CMS-9123-P)

Dear Administrator Verma:

The Confidentiality Coalition appreciates the opportunity to submit comments on the proposed rule issued by the Centers for Medicare & Medicaid Services (CMS) and the Office of the National Coordinator for Health Information Technology (ONC). However, we request an extension of the comment period to at least 60 days after its publication in the Federal Register so that we can provide well-considered and comprehensive feedback on the many significant issues raised, including the several Requests for Information (RFIs) in the proposed rule.

The Confidentiality Coalition is composed of a broad group of hospitals, medical teaching colleges, health plans, pharmaceutical companies, medical device manufacturers, vendors of electronic health records, biotech firms, employers, health product distributors, pharmacies, pharmacy benefit managers, health information and research organizations, patient groups, and others founded to advance effective patient confidentiality protections. The Coalition's mission is to advocate policies and practices that safeguard the privacy of patients and healthcare consumers while, at the same time, enabling the essential flow of patient information that is critical to the timely and effective delivery of healthcare, improvements in quality and safety, and the development of new lifesaving and life-enhancing medical interventions.

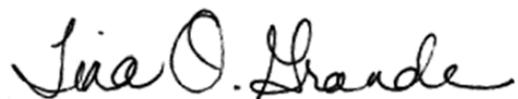
The Confidentiality Coalition supports efforts to improve interoperability and promote the electronic exchange of health care data, including giving patients access to prior authorization information to better manage their care, while reducing the burden on the healthcare system. However, the proposed rule introduces many significant changes to the current prior authorization process, as well as requiring the implementation of several new application programming interfaces (APIs) and mandatory data exchanges. These would require affected payers to make significant adjustments to current processes, build new information system capabilities, comply with new technical standards, ensure that the required data is put into a form and format capable of being exchanged, and develop new workflows and system

integration mechanisms, to mention only a few of the many changes that would be required. A 24-day comment period does not give adequate time for Coalition members to fully examine the provisions in the proposed rule and the implications it may have on their business practices. This accelerated comment period is unusual for such a significant proposal and we request that CMS and ONC extend the comment period to a minimum of 60 days after publication in the Federal Register so we can fully assess all the potential impacts of the proposed changes and provide comprehensive and thoughtful comments.

In addition, the proposed rule also includes several important RFIs, such as the RFI on enabling patients and providers to have greater control over the sharing of patient health information. We support efforts to give patients greater control over their health information, and the RFI raises several important questions with far-reaching implications, including questions about clinical burden and readiness. The RFI questions require thoughtful and substantive responses and we request that CMS and ONC provide a full 60-day comment period for each RFI.

The Confidentiality Coalition appreciates CMS' and ONC's commitment to easing regulatory burdens and improving interoperability and patient access to and control over their health information, and we look forward to working with you to ensure that the issues raised in the proposed rule and RFIs are properly considered and implemented. Please feel free to contact Tina Grande at 202-449-3433 or tgrande@hlc.org.

Sincerely,

A handwritten signature in black ink that reads "Tina O. Grande". The signature is written in a cursive, flowing style.

Tina O. Grande
Chair, Confidentiality Coalition and
Executive VP, Policy, Healthcare Leadership Council