



January 27, 2022

The Honorable Frank Pallone, Jr., Chair
Committee on Energy and Commerce
U.S. House of Representatives
2125 Rayburn House Office Building
Washington, DC 20515

The Honorable Cathy McMorris Rodgers, Ranking Member
Committee on Energy and Commerce
U.S. House of Representatives
2322 Rayburn House Office Building
Washington, DC 20515

The Honorable Anna Eshoo, Chair
Health Subcommittee
Committee on Energy and Commerce
U.S. House of Representatives
2125 Rayburn House Office Building
Washington, DC 20515

The Honorable Brett Guthrie, Ranking Member
Health Subcommittee
Committee on Energy and Commerce
U.S. House of Representatives
2322 Rayburn House Office Building
Washington, DC 20515

Subject: Advancing Prior Authorization Legislation

Dear Chairman Pallone, Ranking Member McMorris Rodgers, Chairman Eshoo, and Ranking Member Guthrie,

The Regulatory Relief Coalition, a group of national physician specialty organizations advocating for reduced regulatory burdens in Medicare so physicians can spend more time treating patients, writes today to encourage you to advance, this year, bipartisan, bicameral legislation to improve prior authorization. Championed by Representatives Suzan DelBene (D-WA), Mike Kelly (R-PA), Ami Bera, MD (D-CA), and Larry Bucshon, MD (R-IN), H.R. 3173, the Improving Seniors' Timely Access to Care Act of 2021, would help protect patients from unnecessary delays in care by streamlining and standardizing prior authorization in the Medicare Advantage (MA) program.

With more than 250 co-sponsors, this legislation is endorsed by over [450 organizations](#) representing patients, health care providers, and the medical technology and biopharmaceutical industry, and others. The legislation enjoys broad support among Energy and Commerce Committee members, with 84 percent of Democrats and 69 percent of Republicans co-sponsoring the bill. Further, since the introduction of the original version in the 116th Congress, the bill has been revised to incorporate detailed input from the Department of Health and Human Services and dozens of stakeholder groups, including the insurance industry. It is, therefore, poised to move.

Over the past 10 years, MA plans and other insurers have substantially increased the use of prior authorization, resulting in significant barriers to medically necessary care that negatively impact patients and providers. For example, according to a recent survey we conducted, prior authorization approvals

typically take between 2 to 14 days, but for some they can take from 15 to more than 31 days — sometimes forcing patients to abandon treatment altogether. Our survey also indicates that prior authorization requirements impose significant administrative burdens on providers, and in any given week, most physicians must contend with between 11 and 40 prior authorization requests.

H.R. 3173 is based on a 2019 consensus statement adopted by leading organizations representing physicians, medical groups, hospitals, pharmacists, and health plans. It would improve prior authorization by:

- Establishing an electronic prior authorization (ePA) program and require MA plans to adopt ePA capabilities;
- Requiring the Secretary of Health and Human Services to establish a list of items and services eligible for real-time decisions under an MA ePA program;
- Standardizing and streamline the prior authorization process for routinely approved items and services;
- Ensuring prior authorization requests are reviewed by qualified medical personnel;
- Increasing transparency around MA prior authorization requirements and their use; and
- Protect beneficiaries from any disruptions in care due to prior authorization requirements as they transition between MA plans.

This legislation would allow providers to spend more time treating patients and less on bureaucratic hurdles. Most importantly, it would remove barriers to ensure that patients have timely access to care.

As you consider your committee's upcoming priorities, and given the widespread support for this bill, we respectfully request that you convene a hearing and mark-up on H.R. 3173 and consider including this bipartisan bill in any moving legislative package.

Thank you for considering our request. If you have any questions, please contact Peggy Tighe at Peggy.Tighe@PowersLaw.com.

Sincerely,

American Academy of Family Physicians
American Academy of Neurology
American Academy of Ophthalmology
American Academy of Orthopaedic Surgeons
American Association of Neurological Surgeons
American College of Cardiology
American College of Rheumatology
American College of Surgeons
American Gastroenterological Association
American Osteopathic Association
Association For Clinical Oncology
Congress of Neurological Surgeons
Medical Group Management Association
National Association of Spine Specialists
Society for Cardiovascular Angiography & Interventions

Regulatory Relief Coalition Allies
American Medical Rehabilitation Providers Association
Premier Inc.

Cc: Members of the Committee on Energy and Commerce
Leads sponsors of H.R. 3173