April 9, 2020

Seema Verma, Administrator
Centers for Medicare & Medicaid Services,
Department of Health and Human Services
P.O. Box 8013
Baltimore, MD 21244-8016

RE: Interoperability and Patient Access Final Rule (CMS-9115-P)

Dear Administrator Verma,

ACHP appreciates the Administration's efforts to offer innovative solutions and reduce burden in response to the COVID-19 public health emergency. As we all work together to address this crisis, ACHP members are prioritizing human and financial resources to the health care delivery frontlines. While we are dedicated to interoperable health data exchange, we ask you to consider being flexible in the implementation of the final rules. Our member health plans are appropriately focused on the myriad of pressing COVID-19 matters and need all available resources to provide care to those affected by the public health crisis.

ACHP members dedicated staff, resources and internal operational planning in anticipation of implementing fully interoperable health data systems. Significant aspects of these activities have had to be temporarily suspended to address the COVID-19 crisis. While we believe that this crisis underscores the importance and need for these final rules, we caution that implementing this enormous undertaking under the current timeline would result in industry-wide strain at a time of already limited resources. As such, ACHP respectfully requests that CMS delay the deadlines of the final rules.

The final interoperability rules anticipate that health plans will make the health data they maintain available upon request by an enrollee to a third-party app of their choice via an open application programming interface (API) by January 1, 2021. This will involve information technology staff conforming existing data to new technical standards, which will take at least one year to accomplish -- perhaps longer, depending on testing and how unexpected issues are resolved. In addition, the expected educational materials for consumers accessing this data will require involvement from legal and policy staff that are also otherwise engaged with COVID-19.

The rules also expect provider directories to be available via an open API and updated often, which will require changes in communications with provider networks, many of whom are currently inundated with testing and treating COVID-19 patients. While our

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member health plans are eager to make this data exchange easier and faster, it is not in the best interests of enrollees, our provider partners or vendors to divert attention away from addressing the pandemic.

Our highest priority must be to focus on the dramatic impact COVID-19 is having on our communities. Accordingly, we request that the final rule deadlines be extended until at least January 1, 2022. ACHP member plans are enthusiastic about creating interoperable health data for their enrollees. We will continue to operate in good faith on interoperability efforts but must not divert our attention away from where it most needed at this time.

We appreciate your consideration of our request. If you have questions or require additional information, please contact Michael Bagel, ACHP Director of Public Policy, at mbagel@achp.org or (202) 897-6121.

Sincerely,



Ceci Connolly
President and CEO, ACHP