June 21, 2023

The Honorable Xavier Becerra  
Secretary  
U.S. Department of Health and Human Services  
200 Independence Avenue, S.W.  
Washington, D.C. 20201

The Honorable Chiquita Brooks-LaSure  
Administrator  
U.S. Centers for Medicare & Medicaid Services  
7500 Security Boulevard  
Baltimore, M.D. 21244

Dear Secretary Becerra and Administrator Brooks-LaSure:

We write to thank the U.S. Centers for Medicare & Medicaid Services (CMS) for taking action toward ensuring timely access to health care by proposing rules to streamline prior authorization (PA) protocols for individuals enrolled in federally-sponsored health insurance programs, including Medicare Advantage (MA) plans.\(^1\) \(^2\) \(^3\) We urge CMS to promptly finalize and implement these changes to increase transparency and improve the prior authorization process for patients, providers, and health plans. We also urge CMS to expand on these proposed rules by: (1) establishing a mechanism for real-time electronic prior authorization (e-PA) decisions for routinely approved items and services; (2) requiring that plans respond to PA requests within 24 hours for urgently needed care; and (3) requiring detailed transparency metrics.

We appreciate that the rules CMS proposed in December 2022 concerning PA attempt to strike a balance between program integrity and patient access to care. While we agree that PA, when used appropriately, is an important tool for payers to manage costs and ensure program integrity,


we support CMS’s efforts to protect beneficiaries, increase transparency around PA requirements, and streamline this process for patients, providers, and health plans.

We are pleased that these proposed rules align with the bipartisan, bicameral Improving Seniors’ Timely Access to Care Act, which proposes a balanced approach to prior authorization in the MA program that would remove barriers to patients’ timely access to care and allow providers to spend more time treating patients and less time on paperwork. Specifically, both the legislation and CMS’s recent proposals would:

- establish an e-PA process for MA plans;
- accelerate PA decision time frames;
- reduce the administrative burden for both providers and health plans;
- increase transparency around PA requirements and clinical information needed to support decisions; and
- expand beneficiary protections to improve patient experiences and outcomes.

We encourage CMS to build on the e-PA proposal in the final rule by incorporating a mechanism for real-time decisions for routinely approved items and services. This mechanism would improve patient care and reduce provider burden while avoiding unnecessary delays. Hundreds of organizations representing patients, physicians, hospitals, and other health care experts have put their support behind an e-PA proposal that includes a real-time process for items and services that are routinely approved.

As you know, the health insurance industry has been actively working towards real-time decisions through automation and artificial intelligence from end-to-end. The software market for providing these services is competitive, offering several platforms for health care providers and payers where a real-time decisions tool is available today. Based on industry growth (due to market demand), robust evidence continues to demonstrate that implementing real-time decisions produces cost savings for health care providers and health plans.

We also encourage you to build on the proposed rule’s goal of shortening decision timeframes by reducing the deadline for responding to expedited prior authorization requests from 72 hours to 24 hours to ensure urgently needed care is not delayed. We are concerned that delaying care for up to three days could jeopardize a patient’s life, health, or ability to regain maximum function. Further, we ask that you build upon the goal of increasing transparency by aligning the final rule’s data collection requirements with the information reporting requirements outlined in Section 2 of the Improving Seniors’ Timely Access to Care Act.

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These policies: (1) a mechanism for real-time prior authorization decisions for routinely approved services, (2) a deadline of 24 hours for MA plans to respond to prior authorization requests for urgently needed care, and (3) requiring detailed transparency metrics are in line with the Improving Seniors’ Timely Access to Care Act, which has received significant bipartisan support from members of Congress and endorsements from more than 500 organizations engaged in this work.6

We urge you to finalize these important updates to prior authorization processes in a manner that reflects the Improving Seniors’ Timely Access to Care Act as quickly as possible in order to improve access to health care for patients. We appreciate your engagement on these policies and encourage you to continue working on policies that increase the efficiency and transparency of the process for patients to receive care.

Thank you again for your dedication to this matter.

Sincerely,

Sherrod Brown
United States Senator

John Thune
United States Senator

Kyrsten Sinema
United States Senator

Roger Marshall M.D.
United States Senator

Jeffrey A. Merkley
United States Senator

James Lankford
United States Senator

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Thom Tillis  
United States Senator

Shelley Moore Capito  
United States Senator

Catherine Cortez Masto  
United States Senator

Cindy Hyde-Smith  
United States Senator

Robert P. Casey, Jr.  
United States Senator

Amy Klobuchar  
United States Senator

Ted Budd  
United States Senator

Elizabeth Warren  
United States Senator

Thomas R. Carper  
United States Senator

Martin Heinrich  
United States Senator
Peter Welch  
United States Senator

Cynthia M. Lummis  
United States Senator

Mark R. Warner  
United States Senator

Jeanne Shaheen  
United States Senator

Debbie Stabenow  
United States Senator

Tina Smith  
United States Senator

Tim Kaine  
United States Senator

Mark Kelly  
United States Senator

Michael F. Bennet  
United States Senator

Kirsten Gillibrand  
United States Senator
Susan M. Collins  
United States Senator

Deb Fischer  
United States Senator

John Hickenlooper  
United States Senator

Jacky Rosen  
United States Senator

Alex Padilla  
United States Senator

Sheldon Whitehouse  
United States Senator

Christopher A. Coons  
United States Senator

Raphael Warnock  
United States Senator

Jon Tester  
United States Senator

JD Vance  
United States Senator
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Sincerely,

Suzan K. DelBene  
Member of Congress

Mike Kelly  
Member of Congress

Ami Bera, M.D.  
Member of Congress

Larry Bucshon, M.D.  
Member of Congress

Gabe Vasquez  
Member of Congress

Seth Magaziner  
Member of Congress

Jeff Jackson  
Member of Congress

Stephen F. Lynch  
Member of Congress

Suzanne Bonamici  
Member of Congress

Katie Porter  
Member of Congress
Nanette Diaz Barragán
Member of Congress

Terri A. Sewell
Member of Congress

Carol D. Miller
Member of Congress

Doris Matsui
Member of Congress

Don Bacon
Member of Congress

John Joyce, M.D.
Member of Congress

Jerrold Nadler
Member of Congress

Dwight Evans
Member of Congress

Kathy Castor
Member of Congress

Kelly Armstrong
Member of Congress
Daniel Meuser  
Member of Congress

Sharice L. Davids  
Member of Congress

Mariannette Miller-Meeks, M.D.  
Member of Congress

Elissa Slotkin  
Member of Congress

 Earl L. "Buddy" Carter  
Member of Congress

Eleanor Holmes Norton  
Member of Congress

David G. Valadao  
Member of Congress

Brian Fitzpatrick  
Member of Congress

C. A. Dutch Ruppersberger  
Member of Congress

Gregorio Kilili Camacho Sablan  
Member of Congress
Mike Bost  
Member of Congress

Dan Crenshaw  
Member of Congress

Jasmine Crockett  
Member of Congress

Nikki Budzinski  
Member of Congress

Ann McLane Kuster  
Member of Congress

Joseph D. Morelle  
Member of Congress

Kathy E. Manning  
Member of Congress

Derek Kilmer  
Member of Congress

Earl Blumenauer  
Member of Congress

Donald S. Beyer Jr.  
Member of Congress
Vicente Gonzalez
Member of Congress

Daniel T. Kildee
Member of Congress

Emanuel Cleaver, II
Member of Congress

John B. Larson
Member of Congress

Diana Harshbarger
Member of Congress

Kim Schrier, M.D.
Member of Congress

Madeleine Dean
Member of Congress

Beth Van Duyne
Member of Congress

John H. Rutherford
Member of Congress

Jill Tokuda
Member of Congress
Angie Craig  
Member of Congress

Marilyn Strickland  
Member of Congress

Jimmy Gomez  
Member of Congress

Chellie Pingree  
Member of Congress

Jake Auchincloss  
Member of Congress

Al Green  
Member of Congress

Jared Golden  
Member of Congress

Mark DeSaulnier  
Member of Congress

Jim Himes  
Member of Congress

Donald Norcross  
Member of Congress
Debbie Dingell
Member of Congress

Mike Carey
Member of Congress

John Garamendi
Member of Congress

Ron Estes
Member of Congress

Linda T. Sánchez
Member of Congress

David Rouzer
Member of Congress

Brendan F. Boyle
Member of Congress

Lizzie Fletcher
Member of Congress

Nicole Malliotakis
Member of Congress

Deborah K. Ross
Member of Congress
Stacey E. Plaskett  
Member of Congress

Jefferson Van Drew  
Member of Congress

Jason Crow  
Member of Congress

Chris Deluzio  
Member of Congress

Mike Levin  
Member of Congress

Sean Casten  
Member of Congress

Colin Z. Allred  
Member of Congress

Ronny L. Jackson, M.D.  
Member of Congress

Adrian Smith  
Member of Congress

Tony Cárdenas  
Member of Congress
Andy Kim  
Member of Congress

Matt Cartwright  
Member of Congress

Ted W. Lieu  
Member of Congress

Mike Thompson  
Member of Congress

Lloyd Smucker  
Member of Congress

Judy Chu  
Member of Congress

John P. Sarbanes  
Member of Congress

Diana DeGette  
Member of Congress

Jared Moskowitz  
Member of Congress

Steve Cohen  
Member of Congress
Brian Babin, D.D.S.
Member of Congress

David P. Joyce
Member of Congress

Brad R. Wenstrup, D.P.M.
Member of Congress

Shri Thanedar
Member of Congress

Dean Phillips
Member of Congress

Morgan McGarvey
Member of Congress

Grace F. Napolitano
Member of Congress

Claudia Tenney
Member of Congress

Maria Elvira Salazar
Member of Congress

Salud Carbajal
Member of Congress
Greg Landsman
Member of Congress

Michelle Steel
Member of Congress

Rick W. Allen
Member of Congress

Jennifer L. McClellan
Member of Congress

Jim Costa
Member of Congress

Jodey C. Arrington
Member of Congress

Nydia M. Velázquez
Member of Congress

André Carson
Member of Congress

Donald M. Payne, Jr.
Member of Congress

Gregory W. Meeks
Member of Congress
Jenniffer González-Colón  
Member of Congress

Tim Walberg  
Member of Congress

Bill Johnson  
Member of Congress

Stephanie Bice  
Member of Congress

Jay Obernolte  
Member of Congress

William R. Keating  
Member of Congress

Garret Graves  
Member of Congress

Marie Gluesenkamp Perez  
Member of Congress

Michael T. McCaul  
Member of Congress

Austin Scott  
Member of Congress
Thomas H. Kean, Jr.
Member of Congress

Juan Ciscomani
Member of Congress

Jamie Raskin
Member of Congress

Lori Chavez-DeRemer
Member of Congress

Michelle Fischbach
Member of Congress

Hillary J. Scholten
Member of Congress

Eric Swalwell
Member of Congress

Marcus J. Molinaro
Member of Congress

Nancy Mace
Member of Congress

Debbie Lesko
Member of Congress