October 10, 2018

The Honorable Seema Verma
Administrator
Centers for Medicare and Medicaid Services
Department of Health and Human Services
200 Independence Avenue, SW, Room 445-G
Washington, DC 20201

Dear Administrator Verma:

As you and your staff work to reduce barriers to patient care through your Patients over Paperwork initiative, we are writing to request that you improve how prior authorization (PA) works under Medicare Advantage (MA). We are concerned that patients may be encountering barriers to timely access to care that are caused by onerous and often unnecessary prior authorization requirements. Therefore, we request your agency provide guidance to MA plans regarding the use of prior authorization to ensure that these requirements do not create inappropriate barriers to care for Medicare patients.

We recognize the important role that MA plays in the Medicare program and understand that utilization review tools such as PA can sometimes play a role in ensuring patients receive clinically appropriate treatment while controlling costs. However, we hear from physicians and other health care providers in our districts about the growing administrative burdens associated with PA requirements. Because MA plans are ultimately required to provide equivalent coverage to fee-for-service (FFS) Medicare, which generally does not require pre-approval for services, plans are precluded from using PA to inhibit access to services.

It is our understanding that some plans require repetitive prior approvals for patients that are not based on evidence and may delay medically necessary care. Many of these PA requirements are for services or procedures performed in accordance with an already-approved plan of care, as part of appropriate, ongoing therapy for chronic conditions, or for services with low PA denial rates. We request you issue guidance to MA plans dissuading practices such as these and provide direction to increase transparency, streamline PA and minimize the impact on patients.

More generally, we understand that CMS monitors enrollee access as part of its oversight. We believe it would be helpful for CMS to collect data on the scope of PA practices – including denial, delay and approval rates. Additionally, we request a report describing CMS oversight of pre-approval policies in MA plans, the use of PA for Part A and Part B services and descriptions of audit protocols that focus on this area.
Finally, key stakeholders have worked together to identify opportunities to improve the PA process, promote patient access to timely care and reduce unnecessary administrative burdens. We request that you and your staff engage with these organizations on additional opportunities to improve the PA process for all stakeholders.

Thank you for your consideration of these requests.

Sincerely,

David P. Roe, M.D.
Member of Congress

Ami Bera, M.D.
Member of Congress

Andy Harris, M.D.
Member of Congress

Neal P. Dunn, M.D.
Member of Congress

Scott DesJarlais, M.D.
Member of Congress

Roger Marshall, M.D.
Member of Congress

Larry Bucshon, M.D.
Member of Congress

Raul Ruiz, M.D.
Member of Congress

Brian Babin, M.D.S.
Member of Congress

Ralph Abraham, M.D.
Member of Congress
Yvette Clarke  
Member of Congress

Raúl M. Grijalva  
Member of Congress

Brian Fitzpatrick  
Member of Congress

Tom Cole  
Member of Congress

Mike Coffman  
Member of Congress

Andy Biggs  
Member of Congress

Mark DeSaulnier  
Member of Congress

Pete Sessions  
Member of Congress

Derek Kilmer  
Member of Congress

Andy Barr  
Member of Congress

Rod Blum  
Member of Congress

Julia Brownley  
Member of Congress

Peter T. King  
Member of Congress

Lucille Roybal-Allard  
Member of Congress
Mike Gallagher
Member of Congress

James R. Langevin
Member of Congress

John Garamendi
Member of Congress

Pete Aguilar
Member of Congress

C. A. Dutch Ruppersberger
Member of Congress

Emanuel Cleaver, II
Member of Congress

Bill Shuster
Member of Congress

H. Morgan Griffith
Member of Congress

George Holding
Member of Congress

Glenn Grothman
Member of Congress

John J. Duncan, Jr.
Member of Congress

André Carson
Member of Congress

Collin Peterson
Member of Congress

Blaine Luetkemeyer
Member of Congress
Bill Posey  
Member of Congress

Mike Bost  
Member of Congress

Rick W. Allen  
Member of Congress

Rodney Davis  
Member of Congress

Salud O. Carbajal  
Member of Congress

Frederica S. Wilson  
Member of Congress

Josh Gottheimer  
Member of Congress

Garret Graves  
Member of Congress

Sheila Jackson Lee  
Member of Congress

Robert E. Latta  
Member of Congress

Colleen Hanabusa  
Member of Congress

Betty McCollum  
Member of Congress

Michelle Lujan Grisham  
Member of Congress

Jason Smith  
Member of Congress
Steve Russell  
Member of Congress

Glenn "GT" Thompson  
Member of Congress

Gregg Harper  
Member of Congress

Gus M. Bilirakis  
Member of Congress

Barry Loudermilk  
Member of Congress

Peter Welch  
Member of Congress

Gerald E. Connolly  
Member of Congress

Kevin Cramer  
Member of Congress

Paul Tonko  
Member of Congress

Jaime Herrera Beutler  
Member of Congress

Walter Jones  
Member of Congress

Mike D. Rogers  
Member of Congress

Nydia M. Velázquez  
Member of Congress

Mark Pocan  
Member of Congress
David B. McKinley, P.E.
Member of Congress

Dan Newhouse
Member of Congress

James Comer
Member of Congress

Vicky Hartzler
Member of Congress

Adam B. Schiff
Member of Congress

John R. Moolenaar
Member of Congress

William Lacy Clay
Member of Congress

Brian Higgins
Member of Congress

Joe Wilson
Member of Congress

Lloyd Doggett
Member of Congress

Jackie Walorski
Member of Congress

Alcee L. Hastings
Member of Congress

Ann Wagner
Member of Congress

French Hill
Member of Congress
John B. Larson  
Member of Congress

Barbara Comstock  
Member of Congress

Chellie Pingree  
Member of Congress

Judy Hice  
Member of Congress

Peter A. DeFazio  
Member of Congress

Rosa L. DeLauro  
Member of Congress

Marcy Kaptur  
Member of Congress

Rick Larsen  
Member of Congress

Stephen F. Lynch  
Member of Congress

Steve Pearce  
Member of Congress

Martha Roby  
Member of Congress

Trey Gowdy  
Member of Congress

Dave Loebsack  
Member of Congress

David Scott  
Member of Congress
Tulsi Gabbard
Tulsi Gabbard
Member of Congress

Brendan F. Boyle
Brendan F. Boyle
Member of Congress

Tim Walz
Tim Walz
Member of Congress

Alma S. Adams, Ph.D.
Alma S. Adams, Ph.D.
Member of Congress

Ken Buck
Ken Buck
Member of Congress

Jimmy Gomez
Jimmy Gomez
Member of Congress

David Young
David Young
Member of Congress

Grace Meng
Grace Meng
Member of Congress

Anna G. Eshoo
Anna G. Eshoo
Member of Congress