



Ensuring Patients' Access to Care

June 9, 2014

Ms. Marilyn Tavenner
Administrator
Centers for Medicare and Medicaid Services
Department of Health and Human Services
Attn: CMS-9942-NC
PO Box 8016
Baltimore, MD 21244-8016

RE: CMS-9942-NC: Request for Information Regarding Provider Nondiscrimination

Dear Ms. Tavenner:

We are writing to you today on behalf of The *Patients' Access to Responsible Care Alliance* (PARCA), a national coalition representing the interests of over one million skilled non-MD/DO healthcare professionals and millions of patients in need of high-quality, cost-effective health care services. We welcome the opportunity to comment on the proposed Request for Information CMS-9942-NC regarding Provider Nondiscrimination.

Given our important role in America's health delivery system, the health professions represented by our coalition seek to preserve and promote patient access to care and consumer choice of qualified healthcare professionals, while also helping to reduce healthcare costs through competition.

We believe that the federal government must help ensure the appropriate implementation of Section 2706(a), the "Non-Discrimination in Health Care" portion of the Affordable Care Act. This consumer-friendly provision is significant because it promotes competition, consumer choice and high quality healthcare by prohibiting discrimination based on provider licensure that keeps patients from getting the care they need from the licensed and certified health professionals of their choice, such as non-MD/DO providers. Under this provision, health insurers can still address provider network quality and sufficiency for the availability of healthcare benefits to their enrollees.

Proper implementation of the provider nondiscrimination provision is crucial because health plans can determine the quantity, type, and geographic location of healthcare professionals they need to ensure availability of healthcare benefits to their enrollees. However, when health plans organize their healthcare delivery in such a way that they discriminate against whole classes of qualified licensed healthcare professionals by licensure, patient access to care is impaired, consumer choice suffers, and healthcare costs climb for lack of competition.

Unfortunately, sub-regulatory guidance thus far issued by the Departments of Health and Human Services, Labor and Treasury in its Frequently Asked Questions Document from April 2013, runs contrary to Congressional intent, and undermines the entire provider non-discrimination provision.

Correct implementation of the provider nondiscrimination provision should prevent health plans and health insurers from discriminating against specific types of health providers in coverage and

reimbursement solely on the basis of their licensure, ensure full access to qualified, licensed healthcare professionals, efficient delivery and local decision making of these services, and equitable reimbursement for non-MD/DO services based on quality and performance, rather than licensure. This is consistent with public interests in quality, access and cost-effectiveness. Ensuring that health plans and health insurers adhere to the provider nondiscrimination law would protect competition, patient choice and promote patient access to a range of beneficial, safe and cost-efficient healthcare professionals, such as non-MD/DO providers.

Thank you for the opportunity to provide comments and recommendations on this proposed rule. If you have any questions, please contact the PARCA Chairman, Jack Dusik, Director of Federal Government Relations at the American Chiropractic Association at 703-812-0246 or jdusik@acatoday.org.

Sincerely,

The Patients Access to Responsible Care Alliance

American Academy of Audiology
American Association of Birth Centers
American Association of Colleges of Nursing
American Association of Nurse Practitioners
American Association of Nurse Anesthetists
American Chiropractic Association
American College of Nurse Midwives
American Occupational Therapy Association
American Optometric Association
American Physical Therapy Association
American Podiatric Medical Association
American Psychological Association
American Speech-Language-Hearing Association
National Association of Clinical Nurse Specialists
National Association of Pediatric Nurse Practitioners