



December 1, 2022

The Honorable Nancy Pelosi  
Speaker  
U.S. House of Representatives  
Washington, DC 20515

The Honorable Charles E. Schumer  
Majority Leader  
U.S. Senate  
Washington, DC 20510

The Honorable Kevin McCarthy  
Minority Leader  
U.S. House of Representatives  
Washington, DC 20515

The Honorable Mitch McConnell  
Minority Leader  
U.S. Senate  
Washington, DC 20510

Speaker Pelosi, Leader McCarthy, and Leaders Schumer and McConnell:

We strongly urge you to advance the “Improving Seniors’ Timely Access to Care Act” (H.R. 3173/S. 3018) in any year-end legislative package under development by the House and Senate.

This legislation would establish an electric prior authorization program in Medicare Advantage (MA) and would require MA plans to provide real-time decisions in response to requests for items and services that are routinely approved. Notably, the legislation was created with the basic policy proposition that Congress can and should ensure proper transparency and oversight of the MA program to protect our nation’s seniors. Therefore, the bill would also require MA plans to provide data about their use of prior authorization to the public.

***Broad Support Exists for the Legislation***

This legislation is unique in its solid bipartisanship, extensive support among ***all*** sectors of the health care community, and overwhelming support in Congress. Consider the following:

- With 75% of all Members of the House as co-sponsors (192 Democrats and 135 Republicans), the bill passed by unanimous voice vote on the House floor on September 14, 2022.
- 50 Senators (split evenly by party), nine of whom sit on the Finance committee, are co-sponsors.
- The legislation has garnered over [500 endorsing organizations](#) representing patients, providers, the medical technology and biopharmaceutical industry, and several Medicare Advantage (MA) plans — strong evidence of the bill’s widespread appeal for consensus-driven solutions.

***OIG and GAO Validate the Need for Critical Policy Changes to Better Serve Seniors***

The legislation puts patients first by ensuring they do not needlessly face barriers to medically necessary care created by some MA plans that overuse or misuse prior authorization. In reports issued this year, the Office of the Inspector General and Government Accountability Office

raised serious concerns about prior authorization in MA. Multiple press accounts have also amplified these concerns, demonstrating the need to improve prior authorization in the MA program.

***Legislation Complements Regulatory Efforts to Streamline Prior Authorization***

A [proposed rule](#) instituting an electronic prior authorization (E-PA) program for MA and other government-sponsored health plans is currently awaiting publication. Codifying these provisions of H.R. 3173/S. 3018 into law is therefore timely and will ensure the endurance of (E-PA) in MA. We also understand that publication of the rule could also have the added benefit of reducing the Congressional Budget Office's score, paving the way to swift passage of the legislation.

***Time to Act is Now***

With MA growing exponentially — the program will soon insure more than half of all Medicare beneficiaries — the time to act is now. More than 28 million people enrolled in a MA plan should be assured that they will receive timely access to care without unnecessary barriers and delays. The opportunity is now — before the end of the year — to include this legislation in any must-pass legislation this year.

Thank you for considering this urgent matter.

Sincerely,

RRC Members

American Academy of Family Physicians  
American Academy of Neurology  
American Academy of Ophthalmology  
American Academy of Physical Medicine and Rehabilitation  
American Association of Neurological Surgeons  
American Association of Orthopaedic 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

RRC Allies

American Medical Rehabilitation Providers Association  
The National Association for Proton Therapy  
Premier  
Select Medical