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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⁶ Regulatory Relief Coalition, Supporters, accessed April 20, 2023, [https://www.regrelief.org/support/](https://www.regrelief.org/support/).
Peter Welch
United States Senator

Tina Smith
United States Senator

Cynthia M. Lummis
United States Senator

Tim Kaine
United States Senator

Mark R. Warner
United States Senator

Mark Kelly
United States Senator

Jeanne Shaheen
United States Senator

Michael F. Bennet
United States Senator

Debbie Stabenow
United States Senator

Kirsten Gillibrand
United States Senator
James E. Risch  
United States Senator

Mazie K. Hirono  
United States Senator

Christopher S. Murphy  
United States Senator

Ben Ray Luján  
United States Senator

Marsha Blackburn  
United States Senator

John Fetterman  
United States Senator

Richard Blumenthal  
United States Senator

Gary C. Peters  
United States Senator

John Barrasso, M.D.  
United States Senator

John Boozman  
United States Senator
Jerry Moran
United States Senator

Kati Boyd Britt
United States Senator

Maggie Hassan
United States Senator

Tom Cotton
United States Senator

John Hoeven
United States Senator
June 21, 2023

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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
Josh Gottheimer
Member of Congress

Yvette D. Clarke
Member of Congress

J. Luis Correa
Member of Congress

Rashida Tlaib
Member of Congress

David Scott
Member of Congress

Guy Reschenthaler
Member of Congress

Susan Wild
Member of Congress

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

James P. McGovern
Member of Congress

Barbara Lee
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
Kweisi Mfume  
Member of Congress  

Chrissy Houlahan  
Member of Congress  

Bradley Scott Schneider  
Member of Congress  

Robin L. Kelly  
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Lisa Blunt Rochester  
Member of Congress  

David J. Trone  
Member of Congress  

Yadira Caraveo, M.D.  
Member of Congress  

Dan Goldman  
Member of Congress  

Susie Lee  
Member of Congress  

Emilia Strong Sykes  
Member of Congress
Haley M. Stevens
Member of Congress

Mikie Sherrill
Member of Congress

Joe Wilson
Member of Congress

Gus M. Bilirakis
Member of Congress

Vern Buchanan
Member of Congress

Sheila Cherfilus-McCormick
Member of Congress

Ritchie Torres
Member of Congress

Steven Horsford
Member of Congress

Lucy McBath
Member of Congress

Becca Balint
Member of Congress
Cori Bush
Member of Congress

Jimmy Panetta
Member of Congress

Melanie Stansbury
Member of Congress

Debbie Wasserman Schultz
Member of Congress

Mike Flood
Member of Congress

Shontel M. Brown
Member of Congress

Sanford D. Bishop, Jr.
Member of Congress

Darin LaHood
Member of Congress

Michael C. Burgess, M.D.
Member of Congress

Kat Cammack
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
Seth Moulton
Member of Congress

Adam Smith
Member of Congress

Jake LaTurner
Member of Congress

Alex X. Mooney
Member of Congress

Brittany Pettersen
Member of Congress

Barry Loudermilk
Member of Congress

Joe Neguse
Member of Congress

Danny K. Davis
Member of Congress

Keith Self
Member of Congress

Michael Waltz
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
Greg Pence  
Member of Congress

Paul Tonko  
Member of Congress

Randy Feenstra  
Member of Congress

Jim Banks  
Member of Congress

William R. Timmons, IV  
Member of Congress

Robert E. Latta  
Member of Congress

H. Morgan Griffith  
Member of Congress

Jared Huffman  
Member of Congress

Betty McCollum  
Member of Congress

Erin Houchin  
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
Bennie G. Thompson
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Nicholas A. Langworthy
Member of Congress

Norma J. Torres
Member of Congress