



May 29, 2015

Centers for Medicare & Medicaid Services
Office of Strategic Operations and Regulatory Affairs
Division of Regulations Development
Room C4-26-05
7500 Security Boulevard
Baltimore, MD 21244-1850

Attention: CMS-10558 – Information Collection for Machine Readable Data for Provider Network and Prescription Formulary Content for FFM QHPs

Submitted electronically via www.regulations.gov

To Whom It May Concern:

On behalf of Harvard Pilgrim Health Care, a non-profit regionally based health plan covering members in Massachusetts, Maine, New Hampshire, and Connecticut, we thank you for this opportunity to provide written comments in response to the Information Collection for Machine Readable Data for Provider Network and Prescription Formulary Content for FFM QHPs (“PRA”) (CMS-10558 (March 30, 2015)).

We would like to express our support for the written comments submitted separately by America’s Health Insurance Plans. We also offer our own comments below on the implementation timeline for the proposed machine readable requirements.

Although the PRA does not establish a specific deadline for implementation, it is our understanding that the Centers for Medicare & Medicaid Services (“CMS”) intends to require implementation of the machine readable requirements for the 2015 open enrollment period, and possibly as early as October 1, 2015. We believe that implementation in 2015 is impractical and therefore respectfully urge CMS to delay implementation until January 1, 2016.

The public comment period closes on May 29, 2015, and we understand that a second public comment period is required under PRA rules. Given that it will take CMS some time to consider comments from both the first and second public comment periods, we anticipate that the final specifications for machine readable data will not be available for several additional months. Assuming that CMS reviews the first round of comments in 30 days, gives 30 days for a second comment period, and reviews the second round of comments in 30 days, the earliest that final specifications could be available would be the beginning of September.

An implementation timeframe of one month or even two months will be extremely challenging and might ultimately prove to be impossible despite best efforts. Gathering, formatting, and quality checking the data is a significant undertaking. Given that the specifications are not final, any work done now to comply with the draft specifications could result in additional rework once the specifications become final. Therefore, we believe that a reasonable implementation date should not be any earlier than January 1, 2016.

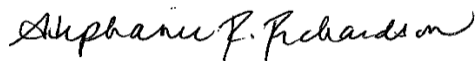
1600 Crown Colony Drive
Quincy, MA 02169

We understand the necessity of making provider directory and formulary information available for consumers during the open enrollment period so they can use such information when choosing a plan. However, most, if not all, of this data will be publicly available to consumers through other sources. For example, 45 CFR 156.230(b)(2) requires issuers to make provider directory information available to the general public on the issuers' websites, and 45 CFR 156.122(d)(1) requires the same for formulary drug lists. Additionally, the Summary of Benefits and Coverage includes information about cost sharing for drugs. Given that consumers will have access to provider network and formulary information during the open enrollment period, we believe that consumers will not be harmed by delaying the implementation of the machine readable requirements until January 1, 2016.

In the alternative, if CMS decides to move forward with this requirement in 2015, we respectfully urge CMS to adopt a safe harbor for issuers attempting in good faith to comply with these requirements. We are grateful for the safe harbors CMS has previously granted with respect to the implementation of new provisions under the Affordable Care Act and would very much appreciate the same treatment with respect to the new machine readable requirements.

We thank you for your consideration of our comments and we appreciate your attention to these complex matters. Please feel free to contact me directly should you have any questions regarding our written testimony at stephanie_richardson@harvardpilgrim.org.

Sincerely,

A handwritten signature in cursive script that reads "Stephanie R. Richardson".

Stephanie R. Richardson, Esq.
Director, Government Programs