



American Association of Preferred Provider Organizations

November 28, 2016

**VIA EMAIL [JJessup@doc.gov](mailto:JJessup@doc.gov)**

Jennifer Jessup  
Departmental Paperwork Clearance Officer  
Department of Commerce  
14th and Constitution Avenue NW, Room 6616  
Washington, DC 20230

RE: Certification Program for Access to the Death Master File - Limited Access Death Master File Subscriber Certification Form

Dear Ms. Jessup:

Thank you for the opportunity to submit comments concerning the Limited Access Death Master File Subscriber Certification Form. The American Association of Preferred Provider Organizations ("AAPPO") is the leading national association of preferred provider organizations ("PPOs"), Preferred Provider Networks (PPNs) and affiliate organizations. Our 995 members are both PPNs and payers who offer PPO networks and benefits including workers' compensation provider networks, as well as specialty provider networks, pharmacy benefit managers, payers and other organizations involved in the delivery of medical treatment. PPOs and PPNs are today's most popular healthcare choice for 193 million consumers, which constitute 69 percent of all Americans with healthcare coverage.

As our members have sought to come into compliance with the final rule and meet the needs of their clients, they have identified a number of questions, comments and concerns. The following concerns address not only the continuing development of the rules and, hopefully, future guidance from the Department but also the need to conform to the requests of State governments as they form requirements around the NTIS Death file.

**Certification and Compliance Concerns**

As indicated above, our members are seeking to be compliant with the final rule. Accordingly, they are interested in the Department responding to the following questions and comments.

Future Changes: Our members are concerned, given the ongoing requests for information that there will be additional changes to the rule that will impact them in the near term and require them to begin the compliance process again.

- Is there a chance the final rule will change again in the next 24 months?

Reporting Requirements: The process and requirements are not clear on what the expectation is for reporting our compliance.

- What are the required/expected criteria?
- If our members provide the supporting documentation and it is deemed incomplete or inadequate will our members be allowed to access the data while they attempt to remediate or provide additional information?

Conformity Assessment Entities: The final rule indicates that our members will need to identify an accredited conformity assessment body. To date our members have not been able to locate a list of approved agencies. While we understand the recommendation of specific entities could be seen as inappropriate and viewed as providing preferential treatment to specific entities. A solution would be for NTIS to maintain a comprehensive and open list identifying substantially all accredited conformity assessment bodies.

- Can a list of approved agencies be provided?
- In the absence of such a list, how should our members determine who meets the definition of accredited assessment body?

Length of Certification: It is unclear how long the period of certification lasts and when audits would be required.

- Is an audit required annually at the time of recertification, or is it a one-time audit?
- Do our members have more than 1 year before an audit would be required?

Audit Costs: Costs to our members have significantly increased due to the final rule. This increase is beyond the additional costs of hiring a conformity assessment body to conduct an audit and the staff time/expense to prepare for such audit. As a note, pursuant to Kansas Medicaid requirements, some of our members are mandated to verify that all providers in our network do not appear in the NTIS Death Master file. This audit will have a significant financial impact on their processes and seems unnecessary when Kansas Medicaid requires the use of the NTIS Death Master File. While we have not studied the entire market for audit rates, similar audits can cost in excess of \$10,000. This is in addition to increases of certification rates from \$200 to \$1,575.

### **Access to the Death Master File Necessary for State Compliance**

Increasingly, State governments require our members to certify their networks are accurate through the utilization of resources like the NTIS Master Death file. Specifically, some States require that networks check the NTIS Master Death file during our provider credentialing or recredentialing process, or to do so in conjunction with audits concerning directory accuracy or network adequacy. As a result, we request that the Department issue clarification to the following issues that directly impact our members' access to the Death Master file.

The final rule states that we are not permitted to share the NTIS information unless the client is also certified. Our members' clients require compliance with state laws and regulations. For example the Kansas Medicaid rules, require a Death Master File check during the initial and recredentialing of network providers. Our members may be

audited by the State or a client to verify that they are confirming the provider does not appear on the Death Master File.

- Does the client need to be certified in order for our members to share this information during an audit or otherwise? Are our members required to request a copy of the client's certification prior to releasing this information?
- Is there a prohibition on releasing the information at all?
- Is there an exemption if the audit is at the request of the state or other governmental body, which mandates the Death Master File review?

**Conclusion**

AAPPO hopes these comments will be given due consideration and looks forward to clarification of the questions presented. Please feel free to call on us if we may be of further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Julian Roberts". The signature is fluid and cursive, with a large initial "J" and "R".

Julian Roberts  
President and CEO  
American Association of Preferred Provider Organizations (AAPPO)  
3774 Lavista Road, Suite 101  
Tucker, GA 30084  
o: 404/634-8911  
e: [jroberts@aapan.org](mailto:jroberts@aapan.org)