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February 13, 2023

VIA ELECTRONIC SUBMISSION

Administrator Chiquita Brooks-LaSure
Centers for Medicare & Medicaid Services
Department of Health and Human Services
Attention: CMS-0057-P
P.O. Box 8013
Baltimore, MD 21244-8013

Dear Administrator Brooks-LaSure:

On behalf of the American College of Osteopathic Family Physicians (ACOFP), we appreciate the opportunity to comment on the proposed rule entitled, *Contract Year 2024 Policy and Technical Changes to the Medicare Advantage Program, Medicare Prescription Drug Benefit Program, Medicare Cost Plan Program, Medicare Parts A, B, C, and D Overpayment Provisions of the Affordable Care Act and Programs of All-Inclusive Care for the Elderly; Health Information Technology Standards and Implementation Specifications.*

ACOFP is the professional organization representing more than 20,000 practicing osteopathic family physicians, residents and students throughout the United States who are deeply committed to advancing our nation's healthcare system by improving healthcare delivery and outcomes and ensuring that patients have access to high-quality care.

Our comments focus the agency's proposals to reduce the administrative burden of prior authorization requirements. We are concerned that the proposed rule could increase burden for family physicians depending on how the proposals are implemented. For example, if plans, including Medicare Advantage (MA) plans, implement "gold-carding" or similar programs without clear objective criteria, this could increase administrative burden instead of decrease it.

Our full comments are detailed on the following page. Thank you for the opportunity to share our feedback with you. Should you need any additional information or if you have any questions, please feel free to contact ACOFP at advocacy@acofp.org or (847) 952-5100.

Sincerely,



Bruce R. Williams, DO, FACOFP
ACOFP President

I. Comments on “Gold-Carding” or Prior Authorization Exemption Programs

“Gold-Carding” Programs for Prior Authorization

In the proposed rule, CMS discusses the use of gold-carding programs could help alleviate the burden associated with prior authorization and facilitate more efficient and timely delivery of health care services. CMS encourages MA plans to adopt gold-carding programs that would allow providers to be exempt from prior authorization. In addition, in CMS’s proposed rule on *Advancing Interoperability and Improving Prior Authorization Processes for Medicare Advantage Organizations, Medicaid Managed Care Plans, State Medicaid Agencies, Children’s Health Insurance Program (CHIP) Agencies and CHIP Managed Care Entities, Issuers of Qualified Health Plans on the Federally-facilitated Exchanges, Merit-based Incentive Payment System (MIPS) Eligible Clinicians, and Eligible Hospitals and Critical Access Hospitals in the Medicare Promoting Interoperability Program* (Interoperability and Prior Authorization proposed rule), CMS sought comment on whether and how gold-carding or prior authorization exemption programs could reduce provider and payer burden and improve services to patients. As noted in our response to the Interoperability and Prior Authorization proposed rule, ACOFP is concerned that implementing “gold-carding”, without clear objective criteria from MA plan sponsors, has the potential to be another administrative burden for osteopathic family physicians that could delay care for patients.

Unnecessary administrative requirements are barriers to implementing successful models or innovations. Specifically, cumbersome electronic health record (EHR) systems, utilization management policies (e.g., prior authorization), and continuously changing regulatory rules are forcing physicians to spend more time on administrative tasks rather than patients. According to recent studies, physicians spend approximately half their time on EHRs and desk work, in addition to completing paperwork after hours.¹ For every hour a physician spends on clinical time, nearly two hours are spent on EHR and administrative tasks every day.² Burdensome administrative requirements are also contributing to the physician shortage and are inhibiting appropriate patient care.³ Many physicians, burned out by paperwork requirements, decide to retire early or leave medical practice for another profession, especially those in small, rural and solo practices where they do not have the resources to manage all the administrative requirements.⁴ As more of these practices are forced to close or relocate, healthcare shortage areas widen, and more communities lose access to care.

Implementing a “gold-carding” program, without clear and standardized objective criteria from MA plan sponsors, has the potential to be another administrative burden with differing objectives and requirements from different plans leading to more burden and confusion for osteopathic family physicians and ultimately leading to delayed care for patients . In addition, there is still administrative burden in becoming an approved “gold card” physician, and those who aren’t “gold-carded” will still need to meet prior-authorization requirements. Physicians who comply with existing prior authorization requirements should be able to spend their time ensuring their patients receive the best quality of care instead of spending that time on prior authorization requirements.

Osteopathic family physicians value a whole-person approach to care and the additional time spent with their patients will allow them to continue to provide the patient-focused care. Furthermore, limiting prior authorization paperwork requirements can help limit physician burnout as well as the number of physicians leaving the practice, ensuring that there is sufficient access to primary care.

¹ Sinsky C., Colligan L., Li L., *et al.* Allocation of physician time in ambulatory practice: A time and motion study in 4 specialties. *Ann Intern Med.* 2016;165(11):753–760. doi:10.7326/M16-0961.

² *Id.*

³ Top challenges 2021: #1 administrative burdens and paperwork. Medical Economics. 2021;98(1):7–8. Accessed January 12, 2023. Available at <https://www.medicaleconomics.com/view/top-challenges-2021-1-administrative-burdens-and-paperwork>.

⁴ Freeman L. Is your doctor at risk? Burnout could drive physicians from field, jeopardize patient. *Northwest Florida Daily News.* December 1, 2021. Available at <https://advance.lexis.com/api/permalink/c8add16f-3f89-498f-be29-ae05fcda77a0/?context=1000516>.