



**Statement on
“Implementing the 21st Century Cures Act:
Making Electronic Health Information Available to Patients and Providers”**

**Submitted to the
Senate Committee on Health, Education, Labor, and Pensions**

March 26, 2019

Americans deserve access to affordable coverage and care that deliver real value to them. That’s why health insurance providers are committed to finding innovative ways to integrate and share data with consumers and providers. Working together, we can realize the full benefits of health information technology and data sharing—from improving care coordination to providing access to patient out-of-pocket cost and quality information—to achieve better health outcomes, more affordable care, and higher patient satisfaction.

The Cures Act Takes Important Steps To Empower Patients

We appreciate that the committee is continuing to focus on steps taken by the “21st Century Cures Act” to make electronic health information more broadly available to patients and health care providers by improving the interoperability of health information technology. By supporting the secure and seamless exchange of electronic health information, these changes have significant potential to improve not only patients’ access to and control over their health information, but also the quality and affordability of the care they receive.

America’s Health Insurance Plans (AHIP) is the national association whose members provide coverage for health care and related services to millions of Americans every day. Through these offerings, we improve and protect the health and financial security of consumers, families, businesses, communities, and the nation. We are committed to market-based solutions and public-private partnerships that improve affordability, value, access, and well-being for consumers.

Proposed rules for implementing these legislative provisions along with other policies were published on March 4, 2019 by the Centers for Medicare & Medicaid Services (CMS) and the Office of the National Coordinator for Health Information Technology (ONC). AHIP is working closely with our members to develop detailed and constructive comments on the proposed rules prior to the May 3, 2019 deadline for public comments.

Privacy Is Paramount

While health insurance providers are not included in the health information technology provisions of the 21st Century Cures Act, our industry has a critical role to play in the interoperability of health information. AHIP and our members support the Administration's goal of providing patients with meaningful access to their health information. We support seamless access to health information by providers and patients to make better choices about care and treatment.

At the same time, it is essential that we also protect the privacy and security of patient health information. As we develop comments on the proposed rules, we are focused on ensuring that the rules maintain and enhance patient protections, minimize administrative burdens, and establish clear data standards and operational protocols to put meaningful information into the hands of patients, doctors, and insurance providers.

Implementation Timeline Is Unrealistic

Based on preliminary discussions with our member plans, we have significant concerns that the implementation timeline outlined in the Administration's proposed rules is unrealistic. The proposed effective dates—between January 1, 2020, and July 1, 2020 (depending on plan type)—are simply not feasible; they would pose significant compliance burdens not only on health insurers, but also providers and other stakeholders in the health care system.

Additional time will be needed to ensure that entities can comply with standards that are still being developed. The timeline also should take into account the fact that once those standards are finalized, health insurance providers will have to build and test the new standardized technology as well as ensure that the third-party entities are able to securely connect to their systems. Furthermore, there are additional operational parameters that need to be finalized for successful implementation such as the Trusted Exchange Framework and Common Agreement rules.

We will address this concern, and other issues, in the detailed comments we submit to CMS and ONC. As part of that process, we will continue to hold extensive discussions with health information technology experts at our member plans. Once we have finalized our comment letter, we will share it with the committee.

Thank you again for focusing on this important issue. AHIP and our members are strongly committed to advancing an interconnected health care system that delivers real value and better outcomes for patients. We look forward to working with the committee to improve interoperability and make health care more efficient, effective, and personalized for the American people.