

Congress of the United States
Washington, DC 20515

August 25, 2020

The Honorable Russell Vought
Director
The Office of Management and Budget
725 17th Street N.W.
Washington, D.C. 20503

The Honorable Alex M. Azar II
Secretary
U.S. Department of Health and Human Services
200 Independence Avenue, S.W.
Washington, D.C. 20201

Dear Director Vought and Secretary Azar:

Thank you for your work to improve coordination of care in the health care system that will benefit both patients and providers. We urge you to continue this work by finalizing the proposed rules regarding the Anti-Kickback Statute and Physician Self-Referral (Stark) Law in order to encourage the continued shift towards coordinated care, value-based health care, and outcomes-based payment.

In issuing the Anti-Kickback Statute and Stark Law proposed rules last year, the Department of Health and Human Services (HHS) worked to balance the need to modernize these two laws by allowing partnerships that improve the quality of care with the need to maintain protections against inappropriate care, fraud, and abuse. We appreciate the proposed rules' intent to promote care coordination, patient care management, and delivery of improved health outcomes. Therefore, we are pleased to see that both proposed rules are slated for final action this August, as noted in the recently issued Spring 2020 Unified Agenda of Regulatory and Deregulatory Actions.

We request that the final rules focus on outcomes and include certain entities, namely device manufacturers; manufacturers, distributors, or suppliers of durable medical equipment, prosthetics, orthotics or supplies; laboratories; and pharmaceutical manufacturers, if they otherwise meet the requirements of proposed safe harbors and exceptions. Previous letters led by various members signed below have provided examples of ways these entities can improve care for patients, and we continue to believe that excluding particular entities will limit the positive impact of the proposed changes.

While the final rules were an important consideration before the current public health emergency, the emergence of COVID-19 across the nation has further highlighted the urgent need for improved coordination and alignment among health care stakeholders to achieve the best result for patients while restraining cost. Now more than ever, completing the final rules can provide critical support to our health care system.

We urge the Office of Management and Budget and HHS to issue the final rules as soon as possible so providers and other stakeholders can adopt these valuable arrangements to ensure better experience and outcomes for patients. We thank you for your leadership on this critical issue and appreciate your consideration.

Sincerely,



Roger Marshall, M.D.
Member of Congress



Ami Bera
Member of Congress



Mike Kelly
Member of Congress



Ron Kind
Member of Congress



Markwayne Mullin
Member of Congress



Raul Ruiz, M.D.
Member of Congress



Brad Wenstrup, D.P.M.
Member of Congress



Tony Cardenas
Member of Congress

/s/

Michael Burgess, M.D.
Member of Congress

/s/

Scott Peters
Member of Congress

/s/

Jackie Walorski
Member of Congress

/s/

Terri A. Sewell
Member of Congress

/s/

Larry Bucshon, M.D.
Member of Congress

/s/

Tom O'Halleran
Member of Congress

/s/

David Schweikert
Member of Congress

/s/

Kim Schrier, M.D.
Member of Congress

/s/
David B. McKinley P.E.
Member of Congress

/s/
Cathy McMorris Rodgers
Member of Congress

/s/
Andy Harris, M.D.
Member of Congress

/s/
Brett Guthrie
Member of Congress

/s/
Kenny Marchant
Member of Congress

/s/
Jason Smith
Member of Congress

/s/
A. Drew Ferguson IV, D.M.D.
Member of Congress

/s/
John Joyce, M.D.
Member of Congress

/s/
Andy Biggs
Member of Congress

/s/
Gregory F. Murphy, M.D.
Member of Congress

/s/
Darren Soto
Member of Congress

/s/
Donna E. Shalala
Member of Congress

/s/
Jason Crow
Member of Congress

/s/
Dean Phillips
Member of Congress

/s/
Kendra S. Horn
Member of Congress

/s/
Julia Brownley
Member of Congress

/s/
Henry Cuellar
Member of Congress

/s/
Angie Craig
Member of Congress

/s/
J. Luis Correa
Member of Congress

/s/
Mark Pocan
Member of Congress

/s/
David P. Roe, M.D.
Member of Congress

/s/
Jodey C. Arrington
Member of Congress

/s/
Tom Reed
Member of Congress

/s/
Tom Rice
Member of Congress

/s/
Earl L. "Buddy" Carter
Member of Congress

/s/
Gus M. Bilirakis
Member of Congress

/s/
Billy Long
Member of Congress

/s/
John Shimkus
Member of Congress

/s/
Jim Banks
Member of Congress

/s/
Scott Perry
Member of Congress

/s/
Harley Rouda
Member of Congress

/s/
Darin LaHood
Member of Congress

/s/
George Holding
Member of Congress

/s/
Adrian Smith
Member of Congress

/s/
Robert E. Latta
Member of Congress

/s/
Bill Flores
Member of Congress

/s/
Greg Gianforte
Member of Congress

/s/
Tom Tiffany
Member of Congress

/s/
Ted S. Yoho, D.V.M.
Member of Congress

/s/
Jody Hice
Member of Congress

/s/
Neal Dunn, M.D.
Member of Congress

/s/
Mike Gallagher
Member of Congress

/s/
Ron Estes
Member of Congress

/s/
Glenn Grothman
Member of Congress

/s/
Tom Cole
Member of Congress

/s/
Michael Guest
Member of Congress

/s/
Steve Stivers
Member of Congress

/s/
Debbie Lesko
Member of Congress

/s/
Brian Babin, D.D.S
Member of Congress

/s/
Pete Stauber
Member of Congress

/s/
Tom Emmer
Member of Congress

/s/
Doug LaMalfa
Member of Congress

/s/
Kevin Hern
Member of Congress

/s/
Lloyd Smucker
Member of Congress

/s/
Glenn "GT" Thompson
Member of Congress

/s/
Mike Johnson
Member of Congress