



Leading for Better Health

April 30, 2021

Acting Secretary Meg Snead
Pennsylvania Department of Human Services
333 Health and Welfare Building
Harrisburg, PA 17110

RE: Response to Governor Wolf's Executive Order on Regulations Post COVID-19

Dear Acting Secretary Snead:

The Hospital and Healthsystem Association of Pennsylvania (HAP), which represents approximately 240 member institutions statewide, would like to share the hospital community's perspective on retaining certain flexibilities afforded as a result of the public health emergency. Continuing these flexibilities will be critical as the health care community prepares to deliver services in a way that best meets patients' needs in the "new normal." Our request is that you use this information to help shape the Department of Human Services' (DHS) response to Governor Wolf's Executive Order on preserving regulatory waivers post-COVID-19.

At the state level, COVID-19 flexibilities included relaxed or waived requirements relative to: telehealth, facility licensure, workforce, prior authorization, and other reforms. Over time, we learned that certain flexibilities and innovations have proven to be effective and have actually enhanced Pennsylvania's health care delivery system. As a result, HAP respectfully requests that DHS advocate for waivers in the following two areas to remain in place:

Telehealth—COVID-19 has accelerated and amplified the use of telehealth across the nation and in Pennsylvania. This increased access to care, and the flexibility to better accommodate patient needs and preferences, should not be rolled back. Telehealth will continue to be a vital means of service delivery, particularly for the elderly, for those who find it physically challenging to attend in-person medical appointments, and for rural populations who often have long travel times to get the care they need. These vulnerable populations likely will be less willing to engage in in-person care for services they previously were able to receive at home.

It is important to maintain an environment that allows both physical and behavioral health care practitioners to meet their patients' needs using available technology and processes created for the COVID-19 pandemic. Specific examples of what has worked well include: allowing for telephonic visits in the event that a patient does not have the means to connect via video; paying for the audio/video service at the same rate that would be paid for a similar in-person visit; and continuing to allow for non-traditional telemedicine platforms.

Prior Authorization—Prior authorization (PA) is a requirement that a provider obtain approval from a patient's health insurance plan to perform select medical tests and/or procedures, prescribe a specific medication, or admit a patient to the hospital. However, in addition to ensuring that patients get the care that they need, PA also can be used as a technique for



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minimizing insurer costs, wherein benefits are only paid if the medical care has been pre-approved according to certain rules defined by the insurance company paying the claim. Prior to the COVID-19 pandemic, Pennsylvania hospitals experienced a steadily increased pattern of insurers creating artificial barriers to significantly delay provider reimbursement for medically necessary services, and in some cases, to prevent it completely. This practice is troubling in and of itself; however, it is especially harmful during a public health emergency.

As a result, HAP requests that DHS add the following provisions to the HealthChoices Managed Care Organization (MCO) contracts:

During a Declared State Health Emergency:

- (a) Managed care plans shall, during the time period covered by the state health emergency disaster declaration, waive all preauthorization reviews and pay clean claims from in-network hospitals for inpatient hospital and emergency services related to the state health emergency
- (b) Managed care plans and their utilization review entities shall not perform retrospective reviews for inpatient hospital services and emergency services provided to patients who were admitted to an in-network hospital with a diagnosis related to the state health emergency during the time period covered by the state health emergency disaster declaration

We appreciate your consideration of these requests as you respond to the Governor's order and we are available to answer any questions or provide additional information as needed.

Respectfully,

A handwritten signature in black ink, appearing to read 'Andy Carter', is written over a light blue circular stamp.

Andy Carter

President and Chief Executive Officer