



September 15, 2016

**EX PARTE VIA ECFS**

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

**Re: *Joint Petition of Anthem, Inc., Blue Cross Blue Shield Association, WellCare Health Plans, Inc., and the American Association of Healthcare Administrative Management for Expedited Declaratory Ruling and/or Clarification of the 2015 TCPA Omnibus Declaratory Ruling and Order, CG Docket No. 02-278.***

Dear Ms. Dortch:

On September 13, 2016, Ken Burdick, CEO, Rhonda Mims, Sr. VP and Chief Public Affairs Officer, and the undersigned, representing WellCare Health Plans, Inc. (“WellCare”), met with Ruth Milkman, Chief of Staff, and Holly Saurer, Legal Advisor Consumer & Governmental Affairs, to Federal Communications Commission (“FCC”) Chairman Tom Wheeler. Joining me also at the meeting were Mike Merola and Michael McMenamain, of Winning Strategies Washington.

At the meeting, we discussed the WellCare Health Plans, Anthem, Inc., Blue Cross Blue Shield Association, and the American Association of Healthcare Administrative Management (“Joint Petitioners”) petition seeking clarification of the regulation of the use of health plan member telephone numbers under the Telephone Consumer Protection Act (“TCPA”).

Joint Petitioners seek a ruling that the “provision of a phone number to a ‘covered entity’ or ‘business associate’ - as those terms are defined under the Health Insurance Portability and Accountability Act (HIPAA) - constitutes prior express consent for nontelemarketing calls allowed under HIPAA for the purposes of treatment, payment, or health care operations. In addition, the Joint Petitioners seek clarification that the term “healthcare provider” as that term is used in the *2015 TCPA Omnibus Order* encompasses HIPAA covered entities and business associates. The Joint Petitioners contend that a clarification is necessary to harmonize the TCPA, HIPAA, and prior Commission rulings to protect member health care communications.

Thus, we urged the FCC to act expeditiously on a Bureau clarification, as managed healthcare plans support critical public policy goals by ensuring effective and efficient care to at-



risk populations. A clarification by the Bureau would lift the unnecessary and unintended burden from this vital industry.

In accordance with Section 1.1206(b)(2) of the Commission's rules, this letter is being filed electronically with your office. Please contact the undersigned with any questions in connection with this filing.

Respectfully submitted,

/s/

Michelle G. Turano  
Vice President, Public Policy &  
Government Affairs

Cc: Ruth Milkman  
Holly Saurer