September 19, 2016

The Honorable Tom Wheeler
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

cc:
Commissioner Mignon Clyburn
Commissioner Michael O'Rielly
Commissioner Ajit Pai
Commissioner Jessica Rosenworcel

Dear Chairman Wheeler:

Information technologies are on the cusp of transforming health care in powerful ways. New health technologies – particularly those using mobile devices and IT networks – have the potential to improve quality of care, expand access, reduce costs, and unleash profound discoveries in medicine.

This convergence of health care and mobile industries is driving new innovations and empowering consumers in numerous ways, but its potential is far from being fully realized. We therefore ask the Commission to consider the impact its decisions may have on health care and health technologies when reviewing new mobile business models and partnerships like free data programs.

Personal technologies, such as smartphones, watches, wearable fitness trackers, and other monitoring tools are already generating useful new data and changing the way we interact with physicians. These technologies will:

- Provide information to consumers that encourage fitness and compliance with medical regimens and wellness programs, and help educate patients and non-patients alike;

- Improve communication opportunities for physicians, nurses, and other health care providers;

- Dramatically reduce costs associated with office visits and other services; and

- Empower research repositories such as the Precision Medicine Initiative (PMI) Cohort Program that medical innovators can use to foster new treatments and cures for diseases.

New health services offered by an array of providers, insurers, mobile broadband carriers, web and software firms, and health IT start-ups are just a few of the advancements that a sound regulatory structure can support. But given the unique circumstances of this market, it is likely that these new technologies and services will involve partnerships among the diverse set of health, technology, and broadband providers. Therefore, the regulatory process should allow for

as much flexibility and transparency as possible to allow these stakeholders to innovate and also the ability to inform and support the Commission's work.

One innovative method that health IT developers are using to help consumers access their services is known as sponsored data (or sometimes zero-rating or free data). Free data allows app and content providers to help pay for the data consumers use while engaging with their app or content. By not charging consumers for data they would otherwise pay for, offerings like this encourage both broadband access and also access to apps and services. Such efforts are in keeping with our organizations' support of reforms that lower the cost of care, thereby encouraging health education among our nations patient population. We think free data and other similar partnerships will play a crucial role in the future of health IT and mobile health.

Unfortunately, some are asking the Commission to block or discourage the practice and other similar partnerships, even before they've had a chance to reveal their potential in benefitting consumers. We think this approach would limit low-income patients' ability to use health IT and could slow the advance of health care innovation. In a time when health care disparities are still far too common, yet the tools to fight such disparities are readily available, regulators should be incentivizing programs, like free data agreements, to bridge the gap. We believe that health IT and mobile health has the potential to engage and educate patients in their own health care, absent such measures as banning the use of free data.

Free data is a win-win-win for app developers and broadband providers, but most importantly for patients. We should not preemptively ban a broad array of common sense practices that can improve the health outcomes of millions of Americans. We think the FCC's current case-by-case approach is correct and should be protected given the irreparable harm that could come from a change in this area.

We believe technology-enabled health care will improve patient engagement and outcomes, and policies that promote the use of technology in health care should be encouraged. We urge you to reject limits on free data. We look forward to working with the Commission on this issue.

Sincerely,

Apervita
Health IT Now
Health Tech Strategies
McKesson
Men's Health Network
New Directions Technology Consulting
Project ReDirect-DC
RetireSafe
Tourette Association of America
United Spinal Association