

Congress of the United States
Washington, DC 20515

The Honorable Ajit Pai
Chairman
Federal Communications Commission
445 12th Street Southwest
Washington, D.C. 20554-0004

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 Chairman Pai:

We write in reference to the Petition for Expedited Declaratory Ruling and/or Clarification¹ to the Federal Communications Commission's ("FCC") 2015 Telephone Consumer Protection Act ("TCPA") Omnibus Declaratory Ruling and Order² that addresses, among other topics, the TCPA's treatment of health care-related outreach to consumers.

The Petition asks the FCC to clarify sections of the 2015 DECLARATORY RULING AND ORDER to confirm that the provision of a telephone number to a "covered entity" or "business associate," which is already governed by the Health Insurance Portability and Accountability Act of 1996 ("HIPAA") and regulated by the U.S. Department of Health and Human Services, constitutes "prior express consent" under the TCPA for non-telemarketing calls allowed under HIPAA for the purposes of treatment, payment, or health care operations. In addition, the Petitioners seek clarification that the term "healthcare provider," as that term is used in the 2015 Order, includes all "covered entities" and "business associates," as those terms are defined within HIPAA. As the Petitioners explain, clarification is necessary to harmonize the TCPA, HIPAA, and prior FCC rulings and protect patient health care communications.

We respectfully request that the FCC provide an update on the status of the Petition and afford clarity to covered entities and business associates making non-marketing communications that benefit patients. We are aware that the FCC has received constructive comments from a variety of sources, including health care providers, health insurers, and consumer organizations.

¹ *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* (filed July 28, 2016) ("Petition").

² *Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991 et al.*, CG Docket No. 02-278, WC Docket No. 07-135, Declaratory Ruling and Order, 30 FCC Rcd 7961 (2015) ("2015 Order").

These helpful, important non-telemarketing communications can be critical safeguards to reaching underserved populations and supporting more effective, efficient health care. They also promote treatment adherence and prevent lapses in health insurance coverage. Time is of the essence, and we encourage the FCC to finish its review and inform all concerned of what clarifications it proposes. We would hope that this step can be completed within the next 90 days, and that any further comment requested on any clarification the FCC proposes be considered and resolved quickly.

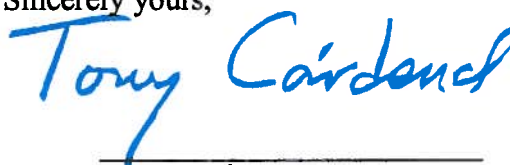
It is in the public interest to provide appropriate clarification to the healthcare industry, so that they know their potential liability under the TCPA, while also facing potentially competing HIPPA definitions and HHS regulations. This clarification can help improve health care outcomes and promote overall well-being to consumers and patients.

Thank you for considering this important request.

Sincerely yours,



GUS M. BILIRAKIS
Member of Congress



TONY CÁRDENAS
Member of Congress



LEONARD LANCE
Member of Congress



YVETTE CLARKE
Member of Congress



JOHN SHIMKUS
Member of Congress



BOBBY L. RUSH
Member of Congress



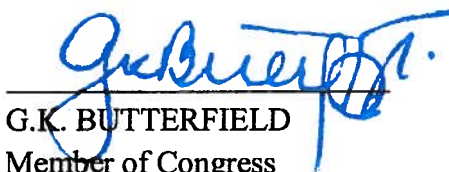
PETE OLSON
Member of Congress



GENE GREEN
Member of Congress



ADAM KINZINGER
Member of Congress



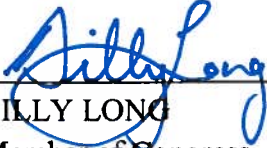
G.K. BUTTERFIELD
Member of Congress



BILL JOHNSON
Member of Congress



KATHY CASTOR
Member of Congress



BILLY LONG
Member of Congress



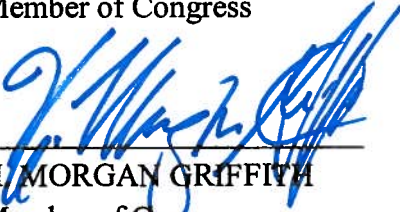
SCOTT PETERS
Member of Congress



BILL FLORES
Member of Congress



SUSAN BROOKS
Member of Congress



H. MORGAN GRIFFITH
Member of Congress