December 3, 2015

VIA ELECTRONIC FILING

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

Re: ***In the Matter of Anthem, Inc., Petition for Declaratory Ruling and Exemption Regarding Non-Telemarketing Healthcare Calls (Anthem"); Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991; Application of the Telephone Consumer Protection Act ("TCPA") and Omnibus Declaratory Ruling and Order to Managed Healthcare Plans, CG Docket No. 02-278***

Dear Ms. Dortch:

On December 1, 2015, the undersigned, representing WellCare Health Plans, Inc. ("WellCare"), met with several members of the Federal Communications Commission ("FCC"), including John B. Adams, Kristi Thornton, Kurt Schroeder, and Beau Finley from the Consumer and Governmental Affairs Bureau. Joining me at this meeting were, Mike Merola and Michael McMenamin, of Winning Strategies Washington. At the meeting, we discussed the FCC's Anthem Petition and the TCPA Omnibus Declaratory Ruling and Order, released July 10, 2015 (hereafter "2015 Order"). WellCare noted the following:

Government-sponsored managed healthcare plans have a unique role within the healthcare industry and support critical public policy goals by ensuring effective and efficient care to at-risk populations. WellCare focuses exclusively on the most challenging and neediest populations and has statutory and contractual mandates from our Federal and State government partners to improve the health outcomes of our members.

As a result of the needs of the particular population served by government-sponsored managed healthcare plans, a large part of our services, which are frequently required by government contract, focus on affirmative outreach and include essential communications relating to appointment and exam confirmations and reminders, wellness checkups, hospital pre-registration instructions, pre-operative instructions, lab results, post-discharge follow-up intended to prevent readmission, prescription notifications and home healthcare instructions. WellCare, as a government-sponsored managed health care provider, should not be prohibited from fulfilling these obligations to place time-sensitive healthcare calls to members to support and enhance critical healthcare services and to ensure that members have all of the information

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necessary to make well-informed decisions regarding their healthcare. Failure to engage in initial outreach to our members can result in WellCare being assessed fines and sanctions for failure to comply with statutory and contractual obligations; more importantly, failing to contact our members regarding critical healthcare needs will negatively affect their overall health outcomes.

The FCC should clarify that managed health care providers may make calls consistent with the healthcare provider exemption clarification in the 2015 Order. The Commission's action in the 2015 Order was an important step to harmonizing the approaches articulated in HIPAA and the TCPA. The Commission's approach of reading the TCPA's generally-applicable restrictions in light of the more specific HIPAA restrictions reflects the appropriate approach to recognizing that Congress intended HIPAA to be the controlling framework for the privacy of healthcare-related communications. Congress included robust privacy protections in HIPAA that reflect its considered balancing of the privacy needs of patients versus the need to coordinate the provision of care, billing, and healthcare operations — all of which are intertwined given the complex methods by which healthcare is delivered in our system. Congress further directed the Office of Civil Rights within the Department of Health and Human Services to be the enforcement agency for such provision, and assigned a variety of serious criminal and civil penalties to HIPAA violations.

Managed health care plans, like physician healthcare providers, have a contractual bond with their members — the strength of which is expressly recognized by federal and state medical privacy protections that cover all communications with HIPAA-covered entities equally. Anthem's proposed exemption for HIPAA-covered entities would be consistent with sound public policy and ease practical conflict with HIPAA. Further, defining the scope of the exception to correspond with HIPAA reflects appropriate deference to the Department of Health and Human Services' special regard for the privacy of health-related communications from entities covered by HIPAA.

Failing to adopt Anthem's request for an exemption furthers no legitimate public policy interest and undercuts the efficiency and effectiveness of the care delivered through government-backed programs to economically-challenged and elderly individuals.

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 Turano

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Vice President, Federal Government Affairs

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