

October 20, 2020

The Honorable Charles Grassley
Chairman
Committee on Finance
219 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Ron Wyden
Ranking Member
Committee on Finance
219 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Frank Pallone
Chairman
Committee on Energy & Commerce
United States Congress
2125 Rayburn House Office Building
Washington, DC 20515

The Honorable Greg Walden
Ranking Member
Committee on Energy & Congress
United States Congress
2322 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Grassley & Ranking Member Wyden and Chairman Pallone & Ranking Member Walden:

We are writing as advocates for children, particularly children with complex conditions, to **urge that you enact the Accelerating Kids' Access to Care Act (H.R. 5900 and S. 4717) by the end of the current Congress**. This bipartisan legislation will help ensure children on Medicaid or the Children's Health Insurance Program (CHIP) who require care from providers located outside of their home states will not face unnecessary delays in accessing such time-sensitive and essential care.

When a child enrolled in Medicaid CHIP has clinical needs that cannot be met by providers in his or her home state, the State Medicaid Agency (SMA) and/or Medicaid Managed Care Organization (MCO) in concert with the child's healthcare provider will determine that care needs to be delivered out-of-state. When this occurs, the out-of-state provider needs to be screened and subsequently enrolled in the Medicaid program of the child. Under current law, states have the ability to use provider screenings done by other states or by Medicare. However, there exists no process to facilitate a streamlined screening, meaning that more often than not providers expend significant amounts of time to address these requirements, which vary significantly between states. When this happens, access to care is delayed and, in some cases, the child's health situation worsens.

The Accelerating Kids' Access to Care Act seeks to address this problem in a commonsense way that balances access to care with program integrity needs. The proposal will establish a screening pathway that children's hospitals and related providers can utilize on a voluntary basis. If providers opt to use this pathway and are screened successfully, they can be enrolled in other state Medicaid programs if called upon to provide care to children. Eligible providers will

be limited to those providing care for children or, in limited cases, to people over the age of 18 who are being treated for a condition that developed prior to age 18.

The legislation builds upon existing CMS activities, including an ongoing multi-state pilot in which CMS is screening providers via the Advanced Provider Screening System and is also consistent with ongoing efforts to reduce regulatory burdens in healthcare. It is consistent with actions CMS has taken via the COVID-19 public health emergency (PHE) waivers to permit states to waive such requirements during the emergency. Finally, the legislation pertains only to provider screening and enrollment and does not change the authority states have to authorize out-of-state care and negotiate payment with providers who accept such cases.

Our organizations advocate or directly care for children with complex health conditions, including children on Medicaid and CHIP. We understand the importance of having access to specialized care, including care that may be located in another state. We urge Congress and particularly your committees to advance and enact the **Accelerating Kids Access to Care Act** by the end of the current 116th Congress. Thank you for giving this your fullest consideration. If you have any questions, please contact any of us or Nick Manetto at nicholas.manetto@faegredrinker.com or 202.312.7499.

Sincerely,

**American Academy of Pediatrics
Ann & Robert H. Lurie Children's Hospital
of Chicago
Ara Parseghian Medical Research Fund
Association of Medical School Pediatric
Department Chairs (AMSPDC)
Boston Children's Hospital
Children's Hospital Association
Children's Hospital Colorado
Children's Hospital of Philadelphia
Children's Wisconsin
Cincinnati Children's Hospital Medical
Center**

**CURED
Eosinophilic Family Coalition
EveryLife Foundation for Rare Diseases
Family Voices
First Focus on Children
Kids v. Cancer
National Association of Behavioral Health
National Organization for Rare Disorders
Parent Project Muscular Dystrophy
Seattle Children's
Texas Children's Hospital**

CC: The Honorable Michael Bennet
The Honorable Joseph Kennedy III
The Honorable Jaime Herrera Beutler
The Honorable Ben Ray Lujan
The Honorable Rob Portman
The Honorable Sherrod Brown
The Honorable Josh Hawley
The Honorable Patty Murray