

November XX, 2020

State Members-Systems Technical Advisory Group (S-TAG)

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Baltimore, MD 21244

Alexandra Mugge  
Director and Deputy Chief Health Informatics Officer  
Health Informatics and Interoperability Group  
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Dear Ms. Costello and Ms. Mugge:

We are participants in the CMS Systems Technical Advisory Group (S-TAG) representing the perspectives of State Medicaid agencies, specifically on issues impacting the information technology that supports the Medicaid program. This letter is submitted in support of the October 7, 2020 letter from the National Association of Medicaid Directors to Administrator Seema Verma<sup>1</sup> requesting an extension of the discretionary enforcement period for the CMS Interoperability and Patient Access final rule for an additional twelve months to July 1, 2022.

The NAMD letter requests this extension “contingent on a good faith effort to work towards compliance.” This letter offers a proposal on how States might document that good faith effort. Two factors motivate this proposal. The first is practical. Given that implementation of APIs and FHIR-based standards is new and we are facing multiple other competing priorities, implementation by July 1, 2021 is extremely challenging, if not impossible. The second is more strategic. While a quick implementation would enable us to meet the minimum requirements of the rule, an additional twelve months would allow us to fully embrace its goal, “putting patients at the center of their health care, and ensuring they have access to their health information.”

Our commitment to the Final Rule is reflected in the efforts pursued to date by the S-TAG Interoperability Workgroup. Convened in June 2020, the Workgroup seeks to identify areas needing additional information and guidance from CMS and/or ONC; propose webinar or S-TAG topics to increase State knowledge on implementation; and propose and develop implementation

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<sup>1</sup> <https://medicaiddirectors.org/wp-content/uploads/2020/10/NAMD-Request-for-Interoperability-Rule-Extension.pdf>

resources to assist all States. The workgroup has pursued the following activities in preparation for implementation:

- monthly meetings to learn from each other
- developed a high-level primer for use with senior State Medicaid leadership, a vendor directory, and an on-going FAQ
- hosted 4 educational sessions with vendors and 2 sessions with CMS
- drafted model RFP language

If granted, we will use the additional time to continue to work together to explore multi-state opportunities such as ensuring our beneficiary authentication and consent management processes are secure and operational; working with the developer community so they build applications that meet the specific needs of Medicaid and CHIP beneficiaries; and educating beneficiaries and their advocates about how their health information may be used by third parties.

We propose that States seeking a good faith exemption will provide a written request to CMS no later than July 1, 2021. The request will be submitted by the State Medicaid Director and will attest to the components listed below.

**Proposal: Good Faith Exemption Request for Patient Access API and Provider Directory API Implementation**

<b>Project Phase</b>	<b>Description of Activities</b>	<b>By July 1, 2021 States should be able to document the following in order to meet a good faith exemption</b>
Discovery; environmental scanning	Assess State readiness for implementation	Complete. This milestone can be met through documented participation in S-TAG Interoperability Workgroup sponsored demonstrations; meetings with stakeholders and potential partners such as HIEs and MCOs, if applicable; review of opportunities to leverage existing eligibility systems; review of current policies and procedures related to data sharing with Medicaid/CHIP-eligible individuals; review CMS required or recommended implementation guides
Project Planning	Determine implementation approach	Complete. This milestone can be met through documented efforts to secure resources to assist in planning, including the identification of key internal leads, the establishment of a governance structure and the development of a planning or implementation APD
Procurement	RFP(s) or fiscal agent contract amendment developed, shared with CMS and issued	In process

Go-live		Request will indicate expected steps to be taken towards an implementation date no later than July 1, 2022.
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We share CMS' enthusiasm for improved interoperability and willingly join in the effort to improve patient access to their own health data. We are concerned that without the additional time to plan and prepare for this implementation, we will not be successful. Please let us know if you have any questions or if additional information would be helpful.

Sincerely,

*(to be signed by the S-TAG State co-chair and the S-TAG Advisory Council: Brandon Lewis, WV; PJ Fritsche, TX; Christine Nolan, WA; Joe Graves, TX; David Whitham, MA; Maik Schutze, KY on behalf of the full S-TAG)*

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