

CMS Response to Public Comments Received for CMS-10501

The Centers for Medicare and Medicaid Services (CMS) received comments from the National Health Care Anti-Fraud Association (NHCAA) and the Washington Legal Foundation related to CMS-10501. This is the reconciliation of the comments.

Comment:

The Centers for Medicare and Medicaid Services (CMS) received comments from the National Health Care Anti-Fraud Association (NHCAA) concerning the original notice (published December 16, 2016) which spoke of advanced directives. Specifically, the commenter stated *“it is unclear to me how that revises what the HFPP does/collects/uses. Is the notice saying that advanced directives, which are often part of the medical record, will now be data that are collected and used by the HFPP?”*

Response:

CMS response was to confirm erroneous information was published to the Federal Register on December 16, 2016 regarding the Healthcare Fraud Prevention Partnership (HFPP), and that the HFPP would not be collecting advanced directives. CMS further responded that a revised notice in the Federal Register was forthcoming (January 19, 2017) explaining the error and extending the Public comment period so that everyone had the chance to comment. The comment period was extended to March 20, 2017.

Comment:

The Centers for Medicare and Medicaid Services (CMS) received a telephonic request from the Washington Legal Foundation referencing the contact information on the notice and asking for minutes of an HFPP-sponsored meeting on Opioids.

Response:

CMS explained that the minutes from the HFPP-sponsored meeting on Opioids was essentially a paper presented and accessible on the HFPP public-facing website. CMS also provided the commenter the link to the HFPP public-facing website from which she could find the paper.