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CMS-R-305 (External Quality Review (EQR) of Medicaid and Children's Health Insurance Program (CHIP) Managed Care, EQR Protocols, and Supporting Regulations)

Comment On: CMS-2025-1890-0001

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Comment on CMS-2025-1890-0001

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General Comment

Hello,

I am providing comments on CMS-R-305 (External Quality Review (EQR) of Medicaid and Children's Health Insurance Program (CHIP) Managed Care, EQR Protocols, and Supporting Regulations) from the Texas Medicaid and CHIP Services Department. My area works with the EQRO for Texas and we regularly use and reference the EQR protocols. In considering implementation of the proposed changes, we have the following questions and comments:

Intro and Protocol 1 (and all mandatory activities for reporting in the ATR)

Requirement: Timing of EQR activities that should be included in the annual EQR technical report (ATR).

Question: Can CMS please clarify what this means and the timeline they expect? Because the ATR is due April 30th, does CMS expect the ATR to include all activities conducted between 1/1 and 12/31 of the prior year? An example would be extremely helpful.

Introduction - Table 3., Page 35 (Requirements for the EQR Mandatory... 42 C.F.R. 438.364(a)(2) (iii)358(b)(1)(i))

Requirement: The ATR should include results from quantitative assessments for the mandatory EQR activities.

Question: Can CMS provide some clarification or assistance on what type of (or how) quantitative assessments should be reported in the ATR for review of compliance?

Protocol 11

Requirement: The new protocol outlines guidance around utilizing the EQRO to assist in the evaluation of the Quality Strategy. The guidance in the new protocol informs the EQRO to 1) develop an evaluation plan (including purpose, research questions, metrics), 2) conduct the evaluation (calculating evaluation metrics, analyzing and interpreting results) and 3) reporting results to the state. The new protocol

indicates that the QS evaluation should align with the three-year QS period (Box 11.8 pg 514) and culminates with a report to the state that includes results, analyses and recommendations.

Comment and Questions: Previous guidance issued by CMS on its website in reference to meeting the requirements in 42 CFR § 438.340(c)(2) allows for states to include a section in the annual EQR technical report that addresses the effectiveness of the state's quality strategy and determines whether any updates to the quality strategy are necessary based on the results of the EQR.

1) Would states still be able to utilize the ATR as the reporting method for the three-year evaluation of the MCQS?

2) Would the evaluation of the QS be required to align with the three-year cycle of the QS or could states allow for the EQRO to conduct evaluation and analysis and provide recommendations to strengthen the QS yearly in the ATR?

Thank you for the opportunity to provide feedback.

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