

United States Senate
WASHINGTON, DC 20510-1806

October 2, 2020

Director Russell Vought
Office of Management and Budget
The White House
725 17th St NW, Washington, DC 20503

Dear Director Vought:

We are writing to support the issuance of the Anti-Kickback Statute and Physician Self-Referral (Stark) Law Final Rules in order to encourage the continued shift towards coordinated care, value-based healthcare, and outcomes-based payment.

In issuing the Anti-Kickback Statute and Stark Law Proposed Rules last year, the Department of Health and Human Services (“HHS”), HHS Office of Inspector General (“OIG”), and the Center for Medicare and Medicaid Services (“CMS”) demonstrated a thoughtful approach that struck an important balance between the need to modernize these two laws, and the need to maintain protections against inappropriate care, fraud, and abuse. We appreciate the Proposed Rule’s intent to promote care coordination, patient care management, and delivery of improved health outcomes. Therefore, we were pleased to see that both proposed rules are slated for Final Action, as noted in the Spring 2020 Unified Agenda of Regulatory and Deregulatory Actions.

The Rules highlight the benefits of better-coordinated care. They protect innovative and collaborative relationships among healthcare sector stakeholders (including providers, medical device and digital therapy manufacturers, and others) to drive better care. Most importantly, they provide much-needed clarity on the rules of the road for these collaborations and facilitating arrangements that deliver better outcomes for patients and cost savings to our healthcare system.

While the Final Rules were an important consideration before the current Public Health Emergency, the emergence of COVID-19 surges across the nation has further highlighted the urgent need for improved coordination and alignment among health care stakeholders to achieve the best result for patients while restraining cost. Now more than ever, finalizing the Final Rules can provide critical support to our healthcare system.

We urge HHS to issue the Rules as soon as possible, to allow providers and other stakeholders to adopt these valuable arrangements to ensure better experience and outcomes for our beneficiaries. Now, more than ever, it is crucial to enable healthcare organizations to work together to coordinate care and focus on value and outcomes. We thank you for your leadership on this critical issue, appreciate your consideration of our views, and again urge the issuance of both Final Rules this fall.

Sincerely,


Bill Cassidy, M.D.
U.S. Senator

/S/ Mark R. Warner
Mark R. Warner
U.S. Senator


Tim Scott
U.S. Senator


Michael F. Bennet
U.S. Senator


Rob Portman
U.S. Senator


Sheldon Whitehouse
U.S. Senator

/S/ David Perdue
David Perdue
U.S. Senator


Tammy Baldwin
U.S. Senator

/S/ Martha McSally
Martha McSally
U.S. Senator

/S/ Thomas R. Carper
Thomas R. Carper
U.S. Senator


Cory Gardner
Cory Gardner
U.S. Senator


Marsha Blackburn
Marsha Blackburn
U.S. Senator


Kevin Cramer
Kevin Cramer
U.S. Senator