

## POSITION PAPER

The National Association of Healthcare Revenue Integrity (NAHRI) Professional Advocacy Committee is responsible for the research and development of position papers that can help further the revenue integrity profession and bring awareness to matters impacting revenue integrity practices.

Committee members include:

- Lawrence A. Allen, MBA, CPC, CEMA
- Zarina Khabibulina, MD, CCS, CCM, CDIP
- William L. Malm, RN, ND, CMAS, CRCR
- Terri Rinker, MT (ASCP), MHA, CHRI
- Donna Schneider, RN, MBA, CPHQ, CPC-P, CHC, CPCO, CHPC
- John D. Settlemeyer, MBA, MHA, CPC, CHRI
- Debra Seyfried, MBA, CMPE, CPC-I, CPC
- Jugna Shah, MPH, CHRI
- Denise Williams, COC, CHRI

### I. Authors

Terri Rinker, MT (ASCP), MHA, CHRI

Denise Williams, COC, CHRI

### II. Introduction

So, you've just read about a proposed rule or policy change that is going to impact you or your organization. You've decided to step out of your comfort zone and let the agency issuing the proposed rule know your thoughts. First—good for you! This is advocacy in action! You have taken the most important step!

### III. Narrative

Now, how do you begin? NAHRI's Professional Advocacy Committee provides the following suggestions to get you started. We will assume CMS is the agency seeking comment, but these suggestions apply to any entity.

1. Read the proposed rule for yourself.
  - a. Remember that it is not necessary to read the entire rule. It is simply necessary to read the parts of the rule on which you want to comment. You do not need to be an expert in a field for your thoughts and experiences to matter in the rulemaking process.
  - i. CMS and other entities look for information from providers on how a proposal will affect daily operations, sometimes referred to as "operational burden," and how changes to the relevant process/regulation will affect beneficiaries and providers.
  - b. Find the rule on [regulations.gov](https://www.regulations.gov). There are other options for locating the rule; for example, if the rule concerns the OPPI, you can also find the rule at the OPPI page on [cms.gov](https://www.cms.gov).
  - c. Pay attention to the summary and/or the executive summary that is on the rule's first few pages. This will give you an overview of the rule, as well as an opportunity to verify that you are reading the rule you are interested in.
  - d. Pay attention to the "Dates" section of the rule. This tells you the due date by which comments must be submitted.
  - e. Use your browser's Find feature (generally accessed by pressing Control+F on a PC or Apple+F on a Mac) to locate the section of the

rule you want to read. Most rules contain a table of contents, which will help you find the title of the section you'd like to locate. Then, you can activate the Find feature and type that title into the search box.

- i. If there is no table of contents, search for a term that will likely appear in the relevant section of the rule. Be somewhat specific. For example, searching for "observation" will probably give you a huge number of results; however, searching for "observation services" will narrow the field.
2. Determine the perspective from which you are commenting.
  - a. Are you commenting as a citizen who works in healthcare, or are you commenting as a representative of your organization?
  - b. If you intend to comment as a representative of your organization, check with your organization first to determine the best course of action.
    - i. Is your organization already working to comment on this rule? If so, you can share your thoughts or offer to assist. If not, will your organization approve of you commenting as a representative? Some organizations have an established process for reviewing comments or items that will include the organization's name. Ask if your organization has such a process, and if it does, offer to follow it prior to submitting your comment.
    - ii. If your organization does not want you to comment as a representative, you should still comment as an individual who works in healthcare. The only difference between the two is that your comment will state you are from "an acute care hospital" rather than "Smith Hospital in Anytown, USA."
3. Write your comment.
  - a. Remember that your comment does not have to be long. Many high-impact comments are only a few sentences or a single paragraph in length. What's important is the substance of the comment, not the number of words.
  - b. Use your own words and experiences rather than a form letter. According to [regulations.gov](https://www.regulations.gov), one well-supported comment may be more influential than a thousand form letters.
  - c. Address the questions that are asked in the proposed rule. The agency will frequently say, "We are seeking comment on ..." and list specific questions for commenters to answer. CMS will not reject comments on other topics that are related to the rule.
  - d. If you are commenting in support of the proposed rule, a simple thank you and an explanation of why you support the proposal is all that is needed.

**Some organizations have an established process for reviewing comments or items that will include the organization's name."**

As you read the proposed rule, it may raise more questions for you. In your comment, don't be afraid to ask how those additional questions will be addressed."

- e. If you are commenting in opposition to the proposed rule, explain why you are opposed and what the impact will be if the rule is finalized. Will the rule create more paperwork for providers? CMS has an initiative called "Patients Over Paperwork," so if the proposal will create more paperwork (or its electronic equivalent), state that the proposal conflicts with this initiative and why. Will the proposal make it more difficult for Medicare beneficiaries to receive needed care? Will it confuse patients? Be specific when explaining the rationale behind your statements.
  - f. Offer alternatives to the proposed rule. The agency is seeking input to create a policy. If you have ideas on better ways to do something, now is the time to share.
  - g. As you read the proposed rule, it may raise more questions for you. In your comment, don't be afraid to ask how those additional questions will be addressed. This will give the agency another perspective to consider.
  - h. Remember, the agency is looking to create a policy, not count votes. Anything you can add that will help the agency understand the reception of its proposal and shape the policy accordingly is important.
4. Submit the comment.
    - a. The proposed rule will identify the acceptable methods for submitting a comment. Fax, mail, or electronic responses may be options. Submitting electronically through [regulations.gov](https://www.regulations.gov) is the easiest method.
    - b. Instructions from [regulations.gov](https://www.regulations.gov):
      - i. "Once you locate a document that is open for comment, click the 'Comment Now!' button on either the Search Results or the Document Details page. This will display the Comment form. You can enter your comment on the form, attach files (up to 10MB each), as well as your personal information when applicable. Be sure to complete all required fields. Please note that information entered on the web form may be viewable publicly. These fields are identified by the globe icon. Once you reach the 'Your Preview' screen, the information that will be viewable publicly is displayed directly on the form under the section titled: 'This information will appear on Regulations.gov.' To complete your comment, you must first agree to the disclaimer and check the box. This will enable the 'Submit Comment' button. Upon completion, you will receive a Comment Tracking Number for your comment. To learn more about comment submission, visit the Submit a Comment section of the 'How to Use Regulations.gov' pages."
      - ii. Consider drafting your comment prior to submitting it. You can still submit by typing the comment directly into the electronic fields, but

having a draft gives you the opportunity to write up your comment and then read it over to be sure you've stated your position clearly. Plus, it allows you to keep a copy of what you submit.

- c. Note that an agency won't pay attention to your comment if:
  - i. It is received after the due date.
  - ii. It is unclear which rule you are commenting on. The proposed rule will include instructions on what must be included in comments. While some agencies may request a docket number, CMS typically asks commenters to add the file code number (for example, CMS-2418-P) at the top of their comment. This information is noted on the first page of the rule and on [regulations.gov](https://www.regulations.gov) where you are submitting your comment.

#### IV. Actions

The NAHRI Professional Advocacy Committee provides these helpful hints for submitting comments. It is vitally important for providers to comment on proposed rules. Advocate for your facility, your practice, and the patients whom you work so hard to support. Sometimes we say "silence is golden," but that's not the case when it comes to rulemaking. Once you've submitted your first comment, every comment you submit afterward will be easier.

#### What is a NAHRI Position Paper?

A NAHRI Position Paper sets a recommended standard for the revenue integrity industry to follow. It advocates on behalf of a certain position or offers concrete solutions for a particular problem. All current members of the NAHRI Professional Advocacy Committee are encouraged to materially contribute to its creation.