

POSITION PAPER

The National Association of Healthcare Revenue Integrity (NAHRI) Advisory Board is responsible for providing leadership, expertise, and an industry voice for revenue integrity professionals.

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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. For the purposes of this discussion, we will assume that CMS is the agency seeking comment, but these suggestions apply to any entity.

1. Read the proposal for yourself.
 - a. Remember that it is not necessary to read the entire rule. It is simply necessary to read the sections 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). Non-Medicare entities should have their proposal/document posted on their website with instructions on how providers and interested parties can offer feedback/comment.

- 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 proposal, 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 and proposals 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.

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

- i. If there is no table of contents, search for a term that will likely appear in the relevant section of the rule. Be as specific as possible to narrow down the number of hits you get. 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 an individual 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 the proposal? If so, you can share your thoughts or offer to assist. If not, will your organization approve of you commenting as a representative? Or will your organization agree to allow you to convene a small group of colleagues who will help you work on preparing a comment? 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 work for "an acute care hospital" rather than "Smith Hospital in Anytown, USA." You may also want to include your job title such as, for example, "revenue integrity director" or "Medicare biller."
 3. Write your comment.
 - a. Remember that your comment does not have to be long to be impactful. 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.

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."

- 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 proposal. The agency will frequently say, "We are seeking comment on ..." or "We want to hear from stakeholders on..." followed by specific questions for commenters to answer. CMS will accept comments on other topics that are related to the rule even if they did not specifically request them. However, keep in mind that if you stray too far from the main topic and find yourself making a point about something that is, although important, unrelated to the proposal, CMS may or may not deem that part of your comment out of its scope in this specific instance and might not respond to that portion.
 - d. If you are commenting in support of the proposal, a simple thank you and an explanation of why you support it is all that is needed. Don't underestimate the power of voicing your support. CMS staff appreciate hearing that a change they've worked hard to implement is welcomed by stakeholders—and why.
 - e. If you are commenting in opposition to the proposal, explain why you are opposed and what the impact will be if the proposal is finalized. Will the rule create more paperwork for providers? 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 proposal. 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. If you have data that supports your position, be sure to include that with your comment. You can upload files to the website, but do not include any protected health information in the data.
 - 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 in the final rule. 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 and impact 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. Go to the [regulations.gov](https://www.regulations.gov) **FAQ** page:
 - i. On the General FAQs tab, expand the "Commenting" header. This will display a list of FAQs explaining how to comment, when to

comment, etc. “How do I submit a comment on Regulations.gov?” contains specific information on entering comments such as file size limits if you’re attaching a file. More detailed information on each step can be found under the other individual FAQs under the “Commenting” header.

- 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-2440-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.
5. The final rule.
- a. After the final rule is published, read the pertinent sections to see if and how CMS addressed your comment. If your comment was unique, CMS may address it individually, stating “A commenter asked...”, or if it was similar to others, the agency may say “...commenters suggested...”. CMS will also acknowledge comments by stating “We appreciate the support...”. As you read these responses from CMS, feel good that you made a difference. Share the impact you made with your colleagues.

IV. Actions

The NAHRI Advisory Board 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. Speaking out is necessary to see changes that will benefit patients, your organization, and the community. In addition, CMS is likely to take silence as approval or acceptance. 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 Advisory Board are encouraged to materially contribute to its creation.