

March 3, 2021

Re: Relating to managing the utilization of health care; creating new provisions; and amending ORS 243.144, 243.877, 743.035, 743B.001, 743B.250, 743B.256, 743B.420, 743B.423 and 743B.602.

Dear Committee Members:

On behalf of Change Healthcare, I respectfully share our comments related to House Bill 2517.

Change Healthcare and Its InterQual Tool Described

Change Healthcare provides health care technology solutions to create a more effective and efficient healthcare system. As a key facilitator of value-based healthcare, Change Healthcare collaborates with our customers and partners to accelerate the journey toward improved lives and healthier communities. We provide visible measures of quality and value not only at the point of care, but also between, after, and in between care episodes.

Change Healthcare develops and licenses industry leading InterQual® criteria which has been the gold standard for clinical decision support content and tools for over 40 years. There are over 4,000 providers and payers who utilize our InterQual criteria¹ to help ensure that they make clinically appropriate medical utilization decisions grounded in evidence-based medicine. The continued retention of our client base for decades for both providers and payers for our InterQual criteria attests to the quality of our criteria. For many years, Change Healthcare has been a valued partner to health plans and providers serving beneficiaries in the State of Oregon.

Our Support for Improving the Quality of Care

Change Healthcare applauds the efforts of the State of Oregon to improve the quality of care and increase transparency in the utilization review process. We would like to offer our expertise with the following comment related to issues addressed in the above referenced bill:

We urge caution in amending disclosure requirements to assure that copyrighted intellectual property is protected while still achieving transparency

We believe the state should clarify **Section 5, ORS 743B.423(2)(d)**. Specifically, we ask the state to provide clarifying language within this section to allow for providers to easily attain information on the process used in utilization review and the method of developing of the criteria while protecting copyrighted intellectual property.

We are certain that the state's intent is to ensure providers have access to the most recent evidence-based findings in care decisions while protecting intellectual property. Vendors have automated solutions which exist to allow payers to provide access to providers for copyrighted intellectual property. States such as Arkansas have addressed this issue to improve transparency while protecting copyrighted intellectual property (AR Code § 23-99-1104 (2017) (a) (3) (A)).

Therefore, we suggest the language at **Section 5, ORS 743B.423(2)(d)** be amended as follows (underlined verbiage suggested for insertion):

(d) The insurer must have a website where:

(A) The following information is clearly posted: (i) All requirements for requesting coverage of a treatment, drug, device or diagnostic or laboratory test that is subject to utilization review, including the specific documentation required for a request to be considered complete. (ii) A list of the specific treatments, drugs, devices or diagnostic or laboratory tests that are subject to utilization review.

(B) Utilization review entities that have agreed, by contract with vendors or third-party administrators, to use licensed, proprietary, or copyrighted protected clinical criteria from such vendors or third-party administrators may satisfy the disclosure requirement of subsection 2(d)(A) by making all relevant proprietary clinical criteria available to a healthcare provider that submits a prior authorization request to the utilization review entity through a secured link on the utilization review entity's website that is accessible to the healthcare provider from the public part of its website as long as any link or access restrictions to the information do not cause any delay to the healthcare provider.

Conclusion

Change Healthcare would welcome the opportunity to meet with policymakers or agencies to discuss our transparency solutions and how InterQual can address the intent of the State of Oregon.

Thank you in advance for your consideration of our commentary and Change Healthcare would welcome the opportunity to provide further insight into our InterQual criteria.

Regards,



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ⁱ Change Healthcare internal analyses