September 30, 2015

VIA ELECTRONIC MAIL
http://apps.fcc.gov/ecfs/

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
Office of the Secretary  
445 12th Street, SW  
Washington, DC 20554

Re: CG Docket No. 02-278, Comment on Petition for Declaratory Ruling filed by Anthem, Inc.

Dear Ms. Dorch:

On behalf of Adventist Health System (AHS), the nation’s largest not-for-profit Protestant health care provider, we appreciate the opportunity to respond to the Consumer and Governmental Affairs Bureau’s request for comments on the petition for declaratory ruling filed by Anthem, Inc. (Anthem). Our organization includes 44 hospital campuses located across 10 states and comprises more than 8,000 licensed beds. AHS provides inpatient, outpatient and emergency room care for four million patient visits each year.

On June 10, 2015, Anthem filed a petition requesting that the Federal Communications Commission (FCC) exempt non-telemarking health care-related calls and text messages from the current restrictions that otherwise apply under the Telephone Consumer Protection Act (TCPA). Under this exemption, providers and health insurance companies would not be required to obtain prior patient consent for calls and text messages aimed at improving health outcomes for consumers with whom they have an existing relationship.

AHS supports Anthem’s petition. We agree that non-telemarketing health care calls and text messages provide important information to consumers regarding their health care. We also agree that if this exemption is granted, individuals should have the option to “opt out” from receiving these automated calls and text messages. We believe that individuals should have the right to control how they receive health-related information.

As a nationwide health care system, AHS hospitals employ telephone and text messaging to contact patients on health care matters. We engage in such practices in an effort to remind patients about their upcoming appointments or changes to them, provide instructions related to upcoming procedures, discharge or surgical follow-up, or to convey other important health care-related information.
AHS believes that these communications have the potential to improve medical treatment compliance, medication adherence and appointment attendance. Moreover, it is our experience that these health-related calls and text messages are welcomed by patients.

Although the FCC recently expanded the list of health care-related calls that are exempt from the TCPA, we believe that new categories of calls and text messages should be added to the agency’s existing list. Specifically, AHS supports Anthem’s request to include the following types of calls and text messages in the FCC’s list of exempted calls:

1. Case management calls to engage consumers in the treatment of existing medical conditions.
2. Preventative medicine calls to provide patients with information necessary to seek preventive care.
3. Calls to provide consumers with information about using and maintaining medical benefits.

**AHS strongly believes that allowing providers to make these calls and text messages will benefit patients; in particular, patients who are uninsured and underinsured.** For example, if a patient has a government-funded cell phone, the patient receives limited minutes but unlimited text messages. Understandably so, the patient is selective with how he or she uses those minutes. In addition, these patients are more likely to respond to a text message than to an incoming call. Our inability to communicate via text message without the patient’s prior consent not only prohibits us from keeping current with the cultural habits of our society, but also limit our ability to connect with patients in need of community resources. These resources may include access to behavioral health programs, access to substance abuse programs, referrals to community providers, access to food and shelter programs, access to chronic disease self-management programs, and much more.

As Anthem noted in its petition, although most patients would be interested in receiving these types of calls and text messages, it is sometimes difficult to obtain patient consent. Other means of outreach, such as mailings and calls to residential phones, are not as effective in reaching most consumers, particularly minorities, uninsured and underinsured groups.\(^1\) Mobile devices offer health care providers a convenient, user-friendly way to communicate with patients. It allows us to provide important health care resources that could improve the wellbeing of our patients.

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AHS appreciates the opportunity to comment on this issue and urges the FCC to grant the requested exemption of non-telemarketing health care-related calls and texts from the current restrictions under the TCPA. Please do not hesitate to contact me, if you would like to discuss further.

Sincerely,

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