



Congress of the United States
House of Representatives

November 29, 2023

The Honorable Chiquita Brooks-LaSure
Administrator
Centers for Medicare & Medicaid Services
7500 Security Boulevard
Baltimore, MD 21244

Dear Administrator Brooks-LaSure,

Thank you for your ongoing work toward prior authorization oversight and reform. I write to express concern about how the rising use of artificial intelligence (AI) and algorithmic software may lead to abuse of the prior authorization process by Medicare Advantage (MA) organizations.

In 2018 the Department of Health and Human Services' Office of Inspector General (OIG) reported "widespread and persistent problems related to denials of care and payment in Medicare Advantage."¹ In 2022 the OIG reported that 13% of prior authorization requests denied by MA plans actually met Medicare coverage rules.² It is unacceptable that claims that would have likely been approved under traditional Medicare have been denied through misuse of prior authorization by MA organizations.

Given the existing reports of unjust denials, I am concerned that the use of AI in claims processing could further exacerbate MA prior authorization abuse and denials. Additionally, if HHS does not exercise proper oversight regarding the use of AI in MA prior authorization determinations, I am concerned about the precedent it may set for the use of AI in the Medicaid and Department of Veterans Affairs health care systems.

Thank you for your attention to this request. I look forward to continuing to work with you to improve the health and well-being of the American people.

Sincerely,

A handwritten signature in black ink that reads "Chris Pappas".

Chris Pappas
Member of Congress

¹ <https://oig.hhs.gov/oei/reports/oei-09-16-00410.pdf>

² <https://oig.hhs.gov/oei/reports/OEI-09-18-00260.pdf>