



Commissioners

Sara Rosenbaum, JD, *Chair*
Marsha Gold, ScD, *Vice Chair*
Brian Burwell
Sharon Carte, MHS
Andrea Cohen, JD
Gustavo Cruz, DMD, MPH
Toby Douglas, MPP, MPH
Leanna George
Christopher Gorton, MD, MHSA
Herman Gray, MD, MBA
Stacey Lampkin, FSA, MAAA, MPA
Norma Martínez Rogers, PhD, RN,
FAAN
Charles Milligan, JD, MPH
Sheldon Retchin, MD, MSPH
Peter Szilagyi, MD, MPH
Penny Thompson, MPA
Alan Weil, JD, MPP

Anne L. Schwartz, PhD,
Executive Director

September 1, 2016

The Honorable Fred Upton
Chairman
Committee on Energy and Commerce
2125 Rayburn House Office Building
U.S. House of Representatives
Washington, DC 20515

The Honorable Joseph Pitts
Chairman
Subcommittee on Health
Committee on Energy and Commerce
2125 Rayburn House Office Building
U.S. House of Representatives
Washington, DC 20515

The Honorable Orrin G. Hatch
Chairman
Committee on Finance
219 Dirksen Senate Office Building
U.S. Senate
Washington, DC 20510

Dear Chairmen Upton, Hatch, and Pitts:

I am writing today to provide a final response to your March 29 letter concerning the disposition of the efforts of the Medicaid and CHIP Payment and Access Commission (MACPAC) to develop and implement conflict of interest policies. I am pleased to report that the Commission has completed its work and now has a robust set of policies in place to address conflicts related to financial interests and political activity, including legal advocacy.

At its May 2016 public meeting, the Commission unanimously adopted a policy to articulate the conflict of interest principles to which Commissioners are subject. The policy, now posted to the MACPAC website and attached to this letter, establishes the procedures by which conflicts will be identified and addressed in advance of a vote upon any recommendation to which the conflict relates. It also sets forth certain activities in which MACPAC Commissioners may not participate during their tenure on the Commission.

This ban on prohibited activities is in effect and we will conduct a thorough review of interests prior to the Commission’s vote on recommendations concerning the future of the State Children’s Health Insurance Program (CHIP) anticipated to take place at the December 2016 public meeting. In addition, we have updated the listing of Commissioners on the MACPAC website to publicly disclose financial interests and affiliations that could trigger a review prior to a vote.



The policy recognizes that Commissioners typically hold positions and are professionally involved with many other entities and organizations. Their selection by the U.S. Government Accountability Office to serve on MACPAC is based in substantial part on the developed expertise and perspectives they bring from their individual professions, experiences, and affiliations. The specific backgrounds, roles, and disciplines are outlined in the Commission's authorizing statute. Different views about public policy that flow from this diversity are integral to the design of advisory commissions. Such viewpoints are naturally shared in the course of deliberation and are themselves a force for collective balance in that they counter the dominance of any one perspective.

By contrast, the Commission's new policy is directed at protecting against biases driven by opportunities for financial gain or other personal advantage. It sets forth a process to reduce the risk that, in carrying out their charge, the Commissioners have competing loyalties that would undermine the trust Congress places in MACPAC's recommendations.

We have also posted policies on conflicts of interest and political activity affecting MACPAC staff on our website (see attached). As you know, MACPAC staff are considered employees of the U.S. Senate and are therefore subject to the Senate's official code of conduct.

I trust that you will find that the Commission has been responsive to your concerns, and would be happy to meet with you or your staff if you would find that useful.

Regards,



Sara Rosenbaum, JD
Chair

Cc: Marsha Gold, ScD, Vice Chair
Anne L. Schwartz, PhD, Executive Director
MACPAC Commissioners

Attachments

