



Physicians Caring for Texans

December 3, 2020

The Honorable Alex M. Azar  
Secretary  
U.S. Department of Health and Human Services  
200 Independence Avenue, SW  
Washington, D.C. 20201

*Re: Request for withdrawal of the "SUNSET" proposed rule*

Dear Secretary Azar:

On behalf of the Texas Medical Association (TMA) and our more than 53,000 physician and medical student members, I am writing to urge that the U.S. Department of Health and Human Services (HHS) withdraw its proposed rules titled, "Securing Updated and Necessary Statutory Evaluations Timely (SUNSET)" as published in the *Federal Register* on Nov. 4, 2020.

While TMA supports evaluations of existing rules and regulations to determine whether they continue to serve the intended effect, we adamantly believe this proposal's timing is ill-advised, both because of (1) the immense health care challenges still posed by the pandemic; and (2) the fact that stakeholders did not have enough time to thoroughly and thoughtfully evaluate and comment on the proposal. **Therefore, we strongly urge HHS to retract and reconsider these polices after the COVID-19 public health emergency ends.**

Under this proposal, the majority of HHS regulations with significant economic impact would be subject to automatic expiration two years after the final rule would take effect unless HHS conducts a review of each regulation consistent with the requirements laid out in this proposal. TMA sees no compelling reason to conduct this automatic review at this time, especially when HHS resources should be devoted to helping physicians, hospitals, communities, and states more effectively respond to and stamp out Sars-CoV-2. Instead, we implore HHS to focus its full attention and resources on combatting the COVID-19 pandemic.

If finalized, this proposed rule would significantly interfere with HHS' ability to focus on responding to the ongoing public health emergency by diverting scarce resources to the review of regulations. Moreover, HHS already has authority to conduct periodic reviews of rules and regulations. Reconsidering the proposed rules at a later time will by no means result in a stagnant regulatory framework, but rather allow a more informed discussion about how and when to better conduct such reviews.

Finally, TMA contends that a public comment period of 30 days is inadequate for thoughtful review and comment on a significant proposal. We urge the comment period be extended to a total of 180 days.

If you have any questions, please do not hesitate to contact Robert Bennett, TMA Vice President of Medical Economics, at [robert.bennett@texmed.org](mailto:robert.bennett@texmed.org).

Sincerely,

A handwritten signature in black ink, appearing to read "Diana L. Fite".

Diana L. Fite, MD  
President  
Texas Medical Association