Statement of

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Good morning distinguished members of the Commission. My name is Jackie Mitus, and I currently serve as Senior Vice President of Clinical Development and Strategy for McKesson Health Solutions. I am joined this morning by my colleague Laura Coughlin, Vice President of InterQual Development. We appreciate the opportunity to appear before you. We have three goals today: First we plan to provide background information about the InterQual Criteria. Second, we will explain how we make InterQual available to providers, consumers and regulators today. Last we would like to share our concerns about the current requirement that “utilization review criteria and medical necessity criteria and protocols shall be made available to members of the public upon request…”

McKesson Health Solutions (MHS), is a division of McKesson Corporation, the world’s largest health information technology company. Laura and I represent more than 170 employees in Newton Massachusetts and more than 35,000 across the country who deliver industry-leading solutions to help payers and providers collaborate for better, safer, healthcare at lower costs. In our roles at McKesson Health Solutions, we are responsible for the development of InterQual, criteria designed to help determine the clinical appropriateness of proposed care, also known as medical necessity. InterQual provides medical evidence to payers and providers to align decision making, improve patient outcomes and drive greater efficiency. Prior to joining McKesson, I was a practicing hematologist/oncologist at Brigham and Women’s Hospital and a faculty member at Harvard Medical School. Laura is registered nurse, practiced at Beth Israel Hospital , and has been a case manager in both the hospital and payer environments.

InterQual has been available for 37 years (since 1976) and is widely regarded as the leading clinical criteria in the market with thousands of licensees, including

* 4,100 hospitals;
* 300 payer organizations;
* CMS;
* Eight Medicare Administrative Contractors;
* Department of Veteran Affairs

It is important to note that that final decisions around clinical or payment determinations rest with the licensing payer or provider and that the criteria themselves are intended solely for use as screening guidelines with respect to the medical appropriateness of healthcare services.

InterQual Criteria are developed by a dedicated team of McKesson clinicians, using a rigorous, evidence-based process, in conjunction with a national panel of clinical experts. InterQual developers receive comprehensive training by the Delfini Group, in evidence based medicine to ensure that the criteria represent the best medical literature available. McKesson uses the same multi-step standardized annual development process for its medical, surgical and mental health/substance use disorders criteria. The InterQual criteria are delivered and used by our clients in hard copy books as well as through our patented software.

InterQual provides an evidence based foundation to enable sharing of clinical decisions between payer-provider and patient and as such, we remain committed to the appropriate disclosure of our content. In fact, we support several mechanisms to do this today:

1. Our license agreements with our customers specify that relevant clinical criteria can be shared with patients in the event that a specific request does meet the criteria the payer is using for a particular treatment or diagnostic decision
2. Where required, we have submitted the InterQual criteria, in its entirety, to government regulators for the purposes of disclosure, and review by providers. For example, we have worked with the State of Rhode Island to allow medical directors of all hospitals in the state to access InterQual and comment prior to our annual release.
3. Most recently, we submitted the InterQual mental health and substance use criteria to the State of Connecticut. After carefully evaluating the criteria, McKesson Health Solutions, through the InterQual criteria, was determined to be a qualified vendor for mental health and substance use clinical review criteria through 2015 in that State.
4. In addition, a summary of InterQual and its rigorous process of development may be posted by our customers on their websites.

The process of developing, maintaining and updating the InterQual criteria represents a significant investment in intellectual property. Thus, we are appearing before you this morning, to urge the commission, through its regulations, to continue to protect that intellectual property. Making InterQual available to patients, providers and regulators, is not inconsistent with our desire to protect this value, but must be managed in a thoughtful manner. We do not believe that providing the InterQual Criteria in its entirety to members of the public will be effective for two primary reasons:

1. First, the InterQual Criteria is thousands of pages long, and contains complex algorithms. It is written in medical terminology and is designed for nurses and physicians. This extremely dense technical document requires training, and will likely be undecipherable to the lay person. At worst, it may cause confusion, and concern to a patient.

In fact, when the criteria are sent to a specific patient, they include the following recommendation: “The Clinical Content may contain advanced clinical knowledge which we recommend you discuss with your physician.”

1. We also believe that making the body of InterQual criteria available publicly would unfairly deprive us of the value of intellectual property that took nearly 40 years, thousands of man hours and millions of dollars to develop. Where we have provided the content to regulators, we have typically done so through confidentiality agreements.

In summary, InterQual is a market leading clinical criteria which has been developed and honed over four decades. We have a track record of collaborating with regulators to share our content in a safe, appropriate and thoughtful fashion; we would welcome the opportunity to work with The Commission, and other appropriate regulators in Massachusetts.

We appreciate the opportunity to be with you this morning, and we are happy to answer any questions you may have.