



American Association on Health & Disability

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AAHD - Dedicated to better health for people with disabilities through health promotion and wellness



LAKESHORE

December 2, 2020

SUBMITTED ELECTRONICALLY VIA www.regulations.gov

The Honorable Alex M. Azar
Secretary
U.S. Department of Health and Human Services
Hubert H. Humphrey Building
200 Independence Avenue, SW
Washington, DC 20201

RE: Securing Updated and Necessary Statutory Evaluations Timely [HHS-OS-2020-0012; RIN: 0991-AC24]

Dear Secretary Azar:

The American Association on Health and Disability and the Lakeshore Foundation appreciate the opportunity to provide comments.

The American Association on Health and Disability (AAHD) (www.aahd.us) is a national non-profit organization of public health professionals, both practitioners and academics, with a primary concern for persons with disabilities. The AAHD mission is to advance health promotion and wellness initiatives for persons with disabilities.

The Lakeshore Foundation (www.lakeshore.org) mission is to enable people with physical disability and chronic health conditions to lead healthy, active, and independent lifestyles

through physical activity, sport, recreation and research. Lakeshore is a U.S. Olympic and Paralympic Training Site; the UAB/Lakeshore Research Collaborative is a world-class research program in physical activity, health promotion and disability linking Lakeshore's programs with the University of Alabama, Birmingham's research expertise.

We appreciate the opportunity to provide comments on the Department of Health and Human Services (HHS) proposed rule, "Securing Updated and Necessary Statutory Evaluations Timely" (hereinafter referred to as the "Regulations Rule"). We join many sister national disability, aging, health, and public health organizations and their public policy coalitions in urging the Administration to withdraw this proposed rule to ensure that HHS programs are not summarily threatened by the arbitrary expiration of existing rulemaking.

The proposed rule would retroactively impose an expiration provision on most HHS regulations, and establish "assessment" and "review" procedures to determine which, if any, regulations should be retained or revised. The Regulations Rule is an ill-conceived proposal that would create tremendous administrative burden for HHS and would wreak havoc across a broad swath of Department programs and regulated entities from CMS Medicaid and Medicare to CDC to SAMHSA to HRSA to ACL. We also strongly object to the truncated 30-day comment period which is insufficient for a rule of this broad scope with potentially harmful effects. We urge HHS to immediately withdraw this proposed rule.

We strongly oppose the SUNSET rule on the grounds that the proposed process is overly broad, the requirements on agency staff would be onerous and prevent important, timely regulatory work, and the blanket expiration of regulations could significantly erode the regulatory framework established over decades to protect patients, including those with significant disabilities. The risk of unintended consequences of this proposal cannot be overstated. In addition, a 30-day comment period is not nearly long enough to fully analyze the magnitude of the impact of this proposal. We are not opposed to HHS modernizing specific aspects of its regulations that are outdated or not consistent with contemporary, effective service and individualized supportive practices.

We encourage HHS to withdraw this rule and work towards appropriate modernization of its regulations through a more targeted process.

Thank you for the opportunity to comment. If you have any questions please contact Clarke Ross at clarkeross10@comcast.net.

Sincerely,



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