

Before the
FEDERAL TRADE COMMISSION
Washington, D.C.

In the Matter of)
)
TSR Prerecorded Call Prohibition) 16 CFR Part 310
and Call Abandonment Standard)
Modification) Project No. R411001
)

TO: THE COMMISSION

COMMENTS OF GORMAN HEALTH GROUP

John Gorman
CEO and President
Gorman Health Group, LLC
2176 Wisconsin Avenue, NW
Washington, DC 20007
Phone: 202-364-8283
Fax: 202-244-8324

November 6, 2006

I appreciate the opportunity to provide comment to the above captured ruling. As someone committed to the success of federal health programs, I'm concerned that the proposed ruling, while well intended, will inadvertently prohibit a category of prerecorded calls that delivers valuable healthcare information to our country's most vulnerable populations – those eligible for Medicare and Medicaid.

I submit these comments to respectfully request that you delay implementation of the above-captioned ruling for healthcare service providers. Specifically, I respectfully request that the FTC continue its non-enforcement policy against prerecorded telemarketing calls for those companies who engage in activities that may be construed as telemarketing - Activities including enrollment offer calls, refill reminder / reorder calls, calls encouraging the consumption of immunizations, calls encouraging screenings such as mammograms and colonoscopies. While these calls provide clear benefits to those who receive them, they also usually result in out of pocket expense for those who take the recommended action therefore technically defining them as “telemarketing”.

Unlike the vast majority of telemarketing companies, companies engaged in health-related telemarketing services (such as those identified above) provide consumers with necessary and invaluable information that consumers may come to rely upon for their health and wellness. I believe the rationale applied by the FTC in determining that pre-recorded telemarketing calls should be prohibited does not apply to those companies engaged in health-related telemarketing services. I also believe that consumers who have expressed opposition to the use of prerecorded calls have not given consideration to specific classes of health-related calls such as those utilized by our customers.

Accordingly, I believe the FTC should extend the current non-enforcement policy for this narrow range of companies, and initiate a separate rule-making proceeding to address the positive and negative aspects associated with the specific types of prerecorded telemarketing calls employed by health-related telemarketing service companies. Otherwise, by eliminating the established business relationship “safe harbor,” the FTC would be eradicating prerecorded calls by healthcare companies endeavoring to provide the best possible service to their customers.

By way of background, my company, Gorman Health Group (GHG) is the leading consulting, products and services firm in the Medicare marketplace. Our team of senior managed care professionals and veteran healthcare regulators provides strategic, operational, financial, and clinical services to the industry.

Many of our health plan customers are using prerecorded calls to great success. We have found that seniors respond better to these calls than does any other age group. Not surprising actually considering that healthcare issues are of vital importance to seniors and that most of the calls allow seniors to respond by voice rather than pushing buttons on their telephones.

I understand the need to end the invasion of privacy and near harassment caused by the increasing number of unwanted telemarketing calls consumers receive in their homes. However, I believe the proposed ruling, as written, will go beyond the Commission's noble intention and will eliminate the ability for healthcare companies such as ours to provide the best service we can to our customers. If prevented from freely using prerecorded calls, consumers will suffer from reduced access to services that can reduce their healthcare expenditures while improving their health outcomes.

For these reasons, we respectfully urge you to delay implementation of this ruling and continue your non-enforcement policy against prerecorded telemarketing calls for the limited subset of companies who engage in health-related telemarketing services. We also request that the FTC initiate a separate rule-making proceeding to address the positive and negative aspects associated with the specific types of prerecorded telemarketing calls employed by health-related telemarketing service companies.

We appreciate the opportunity to comment on this proposal and welcome any questions or comments the Commission may have for us on this matter.

Sincerely,

John Gorman
CEO and President
Gorman Health Group, LLC