



December 6, 2019

Harvey D. Fort, Deputy Director  
Division of Policy and Program Development,  
Office of Federal Contract Compliance Programs,  
Department of Labor  
Attention: RIN-1250-AA08  
200 Constitution Ave NW  
Room C-3325  
Washington, DC 20210

RE: RIN-1250-AA08 - Affirmative Action and Nondiscrimination Obligations of Federal Contractors and Subcontractors: TRICARE and Certain Other Health Care Providers

Submitted via [www.regulations.gov](http://www.regulations.gov)

Dear Deputy Director Fort,

Trinity Health appreciates the opportunity to respond to the the Office of Federal Contract Compliance Programs' (OFCCP) proposed rule to amend regulations pertaining to its authority over TRICARE health care providers. Our comments and recommendations reflect a strong interest in public policies that support better health, better care and lower costs to ensure affordable, high quality, and people-centered care for all.

Trinity Health is one of the largest multi-institutional Catholic health care delivery systems in the nation, serving diverse communities that include more than 30 million people across 22 states. Our People-Centered Health System puts the people we serve at the center of every behavior, action and decision. This brings to life our commitment to be a compassionate, transforming and healing presence in our communities. Trinity Health includes 94 hospitals as well as 109 continuing care locations that include PACE, senior living facilities, and home care and hospice services. Our continuing care programs provide nearly 2.5 million visits annually. Committed to those who are poor and underserved, Trinity Health returns \$1.1 billion to our communities annually in the form of charity care and other community benefit programs. We have 35 teaching hospitals with graduate medical education (GME) programs providing training for more than 2,000 residents and fellows in 184 specialty and subspecialty programs.

We employ approximately 133,000 colleagues, including more than 7,800 employed physicians and clinicians, and have more than 15,000 physicians and advanced practice professionals committed to 16 Clinically Integrated Networks (CINs) that are accountable for approximately 1.5 million lives across the country through alternative payment models (APMs) across all populations and product lines: Medicaid, Commercial, Medicare Advantage and Medicare ACOs. Trinity Health participates in the Medicare Shared Savings Program (MSSP)—Tracks 1 and 3, and the new Pathways to Success Enhanced—the Next Generation ACO, Comprehensive Primary Care Plus (CPC+), and the Bundle

Payment for Care Improvement Advanced programs. Trinity Health is also a TRICARE health care provider.

In addition to our commitment to value-based payment, Trinity Health is the only large health care system creating a nationwide focus on the delivery of high quality, reliable, and culturally competent care to Veterans, military service members, and their family members. As part of its innovative Military and Veterans Health (MILVET) Program, Trinity Health is training its colleagues to understand the importance of connection and communication with this unique sub-population of patients and their family members; it is familiarizing its colleagues in US military service cultures and organizational structure; it is ensuring its clinical colleagues understand the common diseases, injuries, and exposures associated with military service; it is familiarizing colleagues on the unique aspects and impacts of military service on female service members; and it is training clinical and pastoral care colleagues on the physical, emotional, spiritual, and mental impact of operational deployments on service members, Veterans and their families. Trinity Health currently has MILVET sites in Silver Spring, MD; Germantown, MD; Fresno, CA; Nampa/Boise, ID; Dubuque, IA; Dyersville, IA; Langhorne, PA; and Darby, PA. Over the next six months this program is expected to expand to our hospitals and clinics in Athens, GA; Lavonia, GA; Greensboro, GA; Ontario, OR; Baker City, OR; and Philadelphia, PA. Within 3 years, the MILVET Program expansion is planned to include Trinity Health's 94 hospitals located in 22 states. Trinity Health's overall goal is to become the preferred healthcare partner for the Veterans Health Administration and the Military Health Systems (MHS), focusing on filling the clinical care and access gaps without competing for VA or MHS patients.

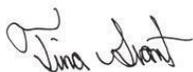
As a TRICARE participant, Trinity Health appreciates the OFCCP's desire to provide clarity surrounding its jurisdiction over TRICARE participants, particularly given the decade-long confusion as it relates to the OFCCP's moratoria on this topic, as well as the resulting alignment of TRICARE participation with other federal health care payers. Further, Trinity Health concurs that the proposed regulation amendment will accomplish the intended goal, and will ultimately increase or improve uniformed service members' and veterans' access to medical care.

Trinity Health agrees that changing the OFCCP's definition of "subcontract" in the E.O. 11246, VEVRAAA, and Section 503 regulations to exclude "agreements to furnish medical services and supplies to beneficiaries of TRICARE" would ultimately provide the desired outcome, whether it is done under the rationale of "lack of authority" or "exemption from that authority."

Trinity Health appreciates OFCCP's commitment to clarify this challenging issue and is supportive of the OFCCP's effort to improve access to care for military personnel and veterans.

If you have questions on our comments, please feel free to contact me at [granttw@trinity-health.org](mailto:granttw@trinity-health.org) or 734-343-1375.

Sincerely,



Tina Weatherwax Grant, JD  
Vice President, Public Policy and Advocacy  
Trinity Health