



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

July 15, 2015

The Honorable Scott Tipton
U.S. House of Representatives
218 Cannon House Office Building
Washington, D.C. 20515

Dear Congressman Tipton:

Thank you for your letter urging the Commission to act on a Petition for Expedited Declaratory Ruling and Exemption filed by the American Association of Healthcare Administrative Management (AAHAM), which asks the Commission to confirm that providing a phone number to a healthcare provider constitutes prior express consent to be called by or on behalf of the provider under the TCPA.

As you note, Congress enacted the TCPA in 1991 to protect consumers from specific unwanted calls. Among other provisions, the statute and the Commission's implementing rules prohibit the use of automatic telephone dialing systems and artificial or prerecorded voice messages to make non-emergency calls to wireless numbers and other specified recipients without prior express consent.

At the Commission's June 18, 2015, Open Meeting, the agency took action to resolve more than 20 petitions raising TCPA issues, including AAHAM's petition, reiterating as we have in previous orders, that "persons who knowingly release their phone numbers have in effect given their invitation or permission to be called at the number which they have given, absent instructions to the contrary."¹ The Commission granted AAHAM's requested exemption with only certain modifications to ensure compliance with related laws protecting the confidentiality of consumer healthcare information (HIPAA) and confirmed that providing a phone number to a healthcare provider constitutes consent to be called.

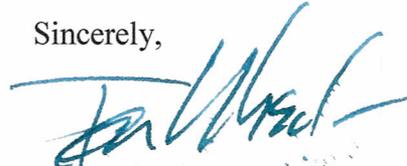
The Commission's decisions on these issues were based on an extensive record in response to the petitions, including numerous informative meetings with trade associations, small business owners, state attorneys general, consumer groups, and other interested parties. Please be assured that we have carefully considered the input of all stakeholders, including callers and consumers alike.

¹ See *Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991*, CG Docket No. 02-278, Declaratory Ruling and Order, FCC 15-72 (2015 Ruling and Order) (rel. July 10, 2015) ¶ 141, (citing 1992 TCPA Order, 7 FCC Rcd at 8769, ¶ 31).

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I appreciate your interest in this matter. Please let me know if I can be of any further assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tom Wheeler", with a horizontal line drawn through the middle of the signature.

Tom Wheeler