



November 12, 2015

The Honorable Tom Price
U.S. House of Representatives
Washington, DC 20515

Dear Rep. Price,

On behalf of the American College of Physicians (ACP), I am writing to express our support for your recently-introduced legislation, H.R. 3940, the “Meaningful Use Hardship Relief Act of 2015.” The College appreciates your leadership in working to reduce the administrative burdens associated with physician participation in the 2015 Meaningful Use (MU) program.

ACP is the largest medical specialty organization and the second-largest physician group in the United States. ACP members include 143,000 internal medicine physicians (internists), related subspecialists, and medical students committed to advancing the science and practice of medicine. Internal medicine physicians are specialists who apply scientific knowledge and clinical expertise to the diagnosis, treatment, and compassionate care of adults across the spectrum from health to complex illness.

In order to avoid a penalty under the MU program, clinicians must attest that they have met the requirements for MU Stage 2 for a period of 90 consecutive days during calendar year 2015. However, the Centers for Medicare and Medicaid Services (CMS) did not publish the rule in the federal register informing them what those requirements are until October 16, 2015 – meaning that by the time clinicians learned what they had to do, fewer than 90 days remained in the calendar year, insufficient time for them to comply.

Physicians and other eligible professionals (EPs) can currently apply for hardship exemptions if impacted by this predicament, but CMS would need to consider those exemption applications on a case-by-case basis, which is not feasible administratively. H.R. 3940 would amend current law to provide CMS with the authority to grant a blanket exemption for 2015 to physicians, hospitals, and others who are affected. We understand that CMS welcomes this modification to current law, and ACP applauds your efforts in introducing this legislation to address the problem.

The College has previously stated that we support the shortened 90-day reporting period, as 90 days is sufficient time for practices to demonstrate that they are meaningfully using their EHR system. We were disappointed that CMS chose to re-implement the full-year reporting period to meet the MU Stage 2 requirements in 2016-2017.

H.R. 3940 provides a simple and feasible solution to ensure physicians are not unnecessarily penalized for failing to comply with MU Stage 2 requirements, through no fault of their own, because of the late release of the published rule. We appreciate your continued leadership on this important issue and will make every effort to help advance this necessary legislation.

Sincerely,

A handwritten signature in black ink, appearing to read "Wayne Riley". The signature is fluid and cursive, with the first name "Wayne" written in a larger, more prominent script than the last name "Riley".

Wayne Riley, MD, MPH, MBA, MACP
President

CC: Reps. Black, Blackburn, Harris, Heck, Jenkins, Roe