MIPS: Are You in or Are You Out?
Docs aren't sure, and CMS isn't helping

by Shannon Firth, Washington Correspondent, MedPage TodayJanuary 18, 2018

While the Centers for Medicare & Medicaid Services is expected to exempt more than half a million clinicians from the Merit-based Incentive Payment System (MIPS) in 2018, the agency has yet to tell clinicians who is in and who is out of the program.

MIPS is one of two payment vehicles created as a result of the Medicare Access and CHIP Reauthorization Act (MACRA), which replaced the almost universally despised Sustainable Growth Rate (SGR) formula.

For a quality reporting program such as MIPS to work, the government needs to follow its own rules, Anders Gilberg, senior vice president of government affairs for the Medical Group Management Association (MGMA) based here, told MedPage Today in a phone interview.

Under MACRA, the government is supposed to notify physicians about their eligibility for the program prior to the performance year in which they are being measured, he explained.

Physicians may learn their eligibility through letters sent by the agency or by checking their status in a simple National Provider Identifier (NPI) "look-up tool" on the agency's website, explained Gilberg in a follow-up email.

However, the tool has yet to be updated, and no such letters have been sent, he continued.

Quality reporting for the program started on Jan. 1, 2018.

"There's a common sense fairness element that I don't have to explain," Gilberg added.
MGMA sent a letter to CMS Administrator Seema Verma on Jan. 10, requesting that the agency "immediately release" 2018 eligibility information for MIPS "including exemptions under the low-volume threshold and special status as non-patient-facing or hospital based."

Last year, CMS was also slow in releasing the eligibility information, Gilberg said.

However, in 2017, the stakes weren't as high. Participants were only required to submit data for a consecutive 90-day period. In 2018, participants must submit a full year's data, he added.

This year, "CMS didn't leave any room for error."

A CMS spokesperson said the agency received MGMA's letter and will respond directly to the group.

"We continue to offer support that helps clinicians be successful in the program and make the best decisions on how to participate and we are committed to sharing information as soon as possible," the spokesperson wrote in an email to MedPage Today.

The American Academy of Family Physicians (AAFP) has also been getting questions from members eager to know their 2018 MIPS eligibility status and has had "informal communication" with CMS.

The AAFP specifically asked the agency when it plans to update its NPI look-up tool, to reflect that in 2018 eligibility for the low-volume threshold increased, said Michael Munger, MD, AAFP president in an email, along with asking the agency "how and when eligible clinicians will be notified [of eligibility]."

The fact that the low-volume threshold rose, from 2017 to 2018, is particularly concerning to Munger, who practices with Saint Luke's Medical Group in Overland Park, KS: "[Physicians] could be collecting data and find out they fell below the low-volume threshold and are excluded. Or worse, they could not
collect data and then find out they needed to and then they're in a real bind," he said.

Under the new MACRA Rule released in November, the low-volume threshold excludes individual clinicians or groups who earn less than $90,000 in Medicare Part B charges or have 200 or fewer Medicare Part B beneficiaries.

Munger said the Academy may not receive an answer until spring, but urged the agency to share the information "as soon as possible."
"CMS acknowledged the urgency and says it is a priority to make the information available as early possible," Munger told MedPage Today in an email.

The American Medical Association also contacted CMS and urged officials to share eligibility information with clinicians.

"The AMA is concerned that by not giving out this information, CMS is not encouraging people to participate in MIPS," said an AMA spokesperson over email, who emphasized that eligibility information should have been distributed before Jan. 1.

"Most likely, by delaying the release, CMS will keep physicians from receiving bonuses," the spokesperson added, noting that it would, however, still be possible for physicians to avoid a penalty -- which requires obtaining only 15 points -- even with the "tardy" release of the information.