

Congress of the United States
House of Representatives
Washington, DC 20515-3302

September 28, 2015

The Honorable Shaun Donovan
Director
Office of Management and Budget
725 17th Street, N.W.
Washington, DC 20503

The Honorable Sylvia Mathews Burwell
Secretary
Department of Health and Human Services
200 Independence Avenue, S.W.
Washington, DC 20201

Re: Medicare and Medicaid Electronic Health Record Incentive Program

Dear Director Donovan and Secretary Burwell,

We are writing to ask that you refrain from finalizing Meaningful Use Stage 3 at this time and work to refocus the program to better serve patients and the providers who care for them. We have an interest in being active partners in successfully enabling health information technology to serve as the digital infrastructure necessary to achieve delivery system reform and meet the needs of a modern healthcare system. To that end, we urge you to refrain from finalizing Meaningful Use Stage 3 and 2015 Edition Certification at this time.

Six years after passage of Health Information Technology for Economic and Clinical Health Act (HITECH), there exists an opportunity to make policy decisions apart from the arbitrary deadlines of the EHR Incentives Program. We believe that additional time is necessary for the proper evaluation and optimization of implemented technology to ensure the technology can ensure better quality care for all patients.

We believe that the Stage 3 rule should be paused as it should rely on proven technology – designed outside the limitations of current federal requirements – that can support a shift to outcomes and interoperability rather than measures and objectives. Unfortunately, the proposed Stage 3 rule, currently under review at the Office of Management and Budget (OMB), exacerbates current problematic policies of Stage 2. We should incentivize technology that enables interoperability and improved health outcomes rather than incentivizing technology that counts how many times a provider performs an activity. The additional time would also give policymakers a chance to understand how the private sector performs relative to modifications proposed for program years 2015 through 2017. Taking the time to get it right now will surely pay dividends in the future.

Further, pausing Stage 3 at this time will provide the opportunity to evaluate the environment after these regulatory changes and consider the implementation issues surrounding the Merit-Based Payment System (MIPS) and Alternative Payment Models (APMs). Since the Stage 3

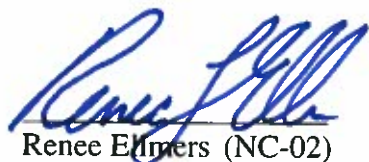
regulation was developed in a world prior to the Medicare Access and CHIP Reauthorization Act (MACRA), CMS should take the opportunity to reevaluate Stage 3 in light of MIPS and APMs.

While healthcare providers are committed to implementing EHRs, many are becoming disenchanted by the seemingly unrealistic expectations dictated by the Meaningful Use Program. Unfortunately, the frustrations voiced by providers and policymakers regarding the systems deployed in over 80 percent of hospitals and physician offices are real. According to the Centers for Medicare & Medicaid Services (CMS), an estimated 257,000 providers are currently subject to payment adjustments in the 2015 program year for failing to meet the Meaningful Use Program's requirements. We believe this signals a failure that is indicative of issues outside the hands of health care providers. We believe the solutions to address the provider community's concerns are well within the Department's reach and action must be taken now, as we have arrived at a pivotal time in the Program.

We appreciate the opportunity to share our constituents' perspectives on the need to reevaluate how we can foster an interoperable health information infrastructure that does not disrupt patient care. We reiterate the importance of refraining from issuing the Meaningful Use Stage 3 and the accompanying certification rule until a rigorous evaluation of provider participation in Stage 2 has been completed. Frankly, we were surprised and disappointed to see that the Stage 2 modifications rule was transmitted to OMB simultaneous to the transmission of the Stage 3 final rule and the new EHR certification rule. A learning health system should incorporate the lessons learned from Stage 2 into Stage 3. This is not possible at present because a minority of providers have achieved Stage 2 and because the Stage 2 modifications rule has yet to be implemented.

In order to ultimately reach our shared goals of better health care, smarter health care spending and healthier patients, the administration needs to take time to reevaluate the program. We ask that you refrain from finalizing Meaningful Use Stage 3 at this time and work to refocus the program to better serve patients and the providers who care for them. We respectfully ask for a response no later than 30 days from the receipt of this letter.

Yours truly,



Renee Elmers (NC-02)
Member of Congress



Tom Price (GA-06)
Member of Congress



David Scott (GA-13)
Member of Congress



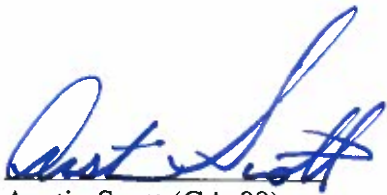
Brad Ashford (NE-02)
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Austin Scott (GA-08)
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Gregg Harper (MS-03)
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Brendan Boyle (PA-13)
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Chris Collins (NY-27)
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Gary Palmer (AL-06)
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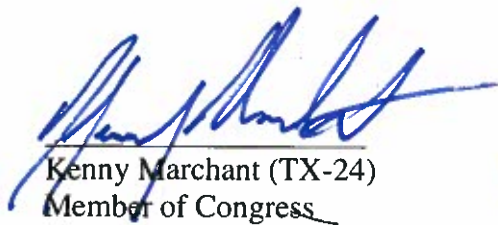
Lynn Jenkins (KS-02)
Member of Congress



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Jody Hice (GA-10)
Member of Congress




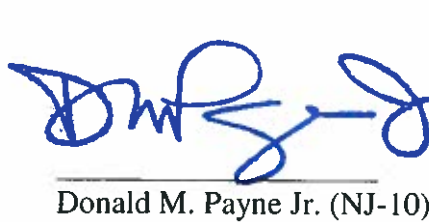
Kenny Marchant (TX-24)
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Bill Huizenga (MI-02)
Member of Congress

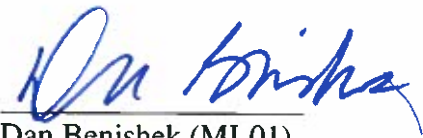


Donald M. Payne Jr. (NJ-10)
Member of Congress

Ryan Costello (PA-06)
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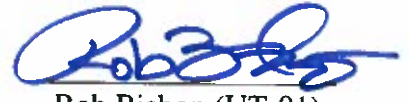
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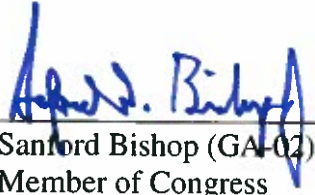
Dan Benishek (MI-01)
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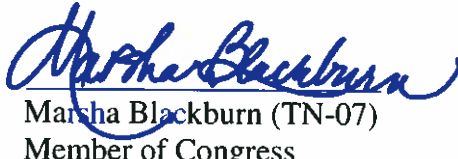
Ami Bera (CA-07)
Member of Congress



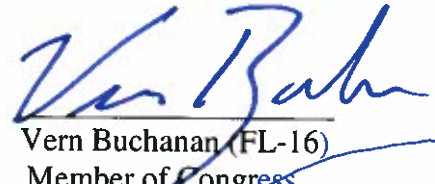
Rob Bishop (UT-01)
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Member of Congress



Marsha Blackburn (TN-07)
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Vern Buchanan (FL-16)
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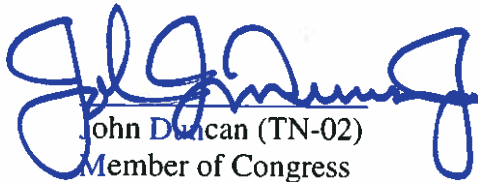
Bradley Byrne (AL-01)
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John Culberson (TX-07)
Member of Congress



John Duncan (TN-02)
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Mike Fitzpatrick (PA-08)
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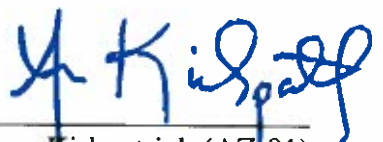
Bill Flores (TX-17)
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Andy Harris (MD-01)
Member of Congress



Evan Jenkins (WV-03)
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Ann Kirkpatrick (AZ-01)
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James Langevin (RI-02)
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Leonard Lance (NJ-07)
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Chris Stewart (UT-02)
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Mike Bost (IL-02)
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Trent Franks (AZ-08)
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Member of Congress



Joe Heck, D.O. (NV-03)
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Larry Bucshon (IN-08)
Member of Congress



Mike Kelly (PA-03)
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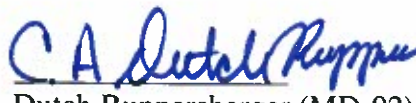

Stephen Fincher (TN-08)
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Steve Knight (CA-25)
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Member of Congress


Mo Brooks (AL-05)
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Mimi Walters (CA-45)
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Sam Farr (CA-20)
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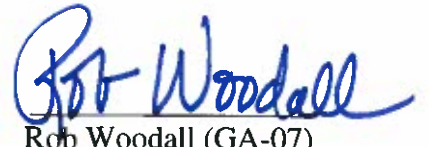

Paul Cook (CA-08)
Member of Congress



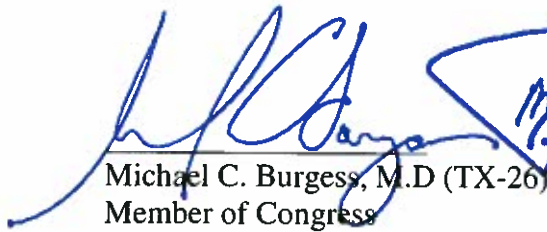
Barbara Comstock (VA-10)
Member of Congress



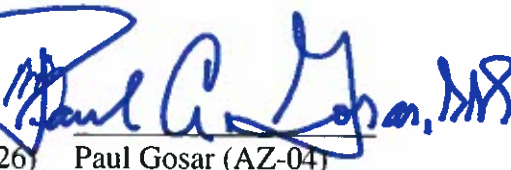
Morgan Griffin (VA-09)
Member of Congress



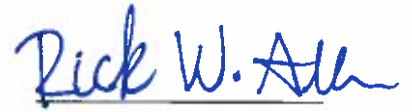
Rob Woodall (GA-07)
Member of Congress



Michael C. Burgess, M.D (TX-26)
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Paul Gosar (AZ-04)
Member of Congress



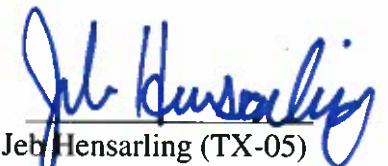
Rick Allen (GA-12)
Member of Congress



Brad Wenstrup (OH-02)
Member of Congress



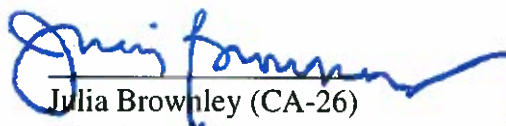
Glenn Grothman (WI-06)
Member of Congress



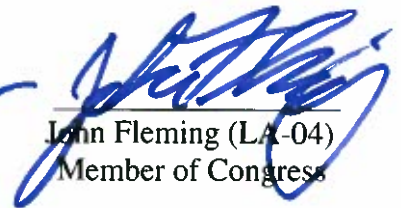
Jeb Hensarling (TX-05)
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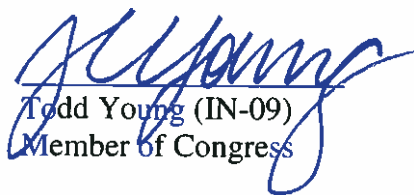
Gus Bilirakis (FL-12)
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Julia Brownley (CA-26)
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John Fleming (LA-04)
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Todd Young (IN-09)
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Steve Chabot (OH-01)
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Ryan Zinke (MT)
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Kyrsten Sinema (AZ-09)
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Bill Shuster (PA-09)
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Luke Messer (IN-06)
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Sam Graves (MO-06)
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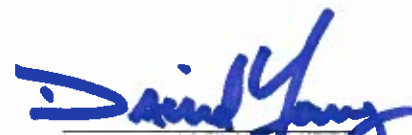

Lynn Westmoreland (GA-03)
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Rodney Davis (IL-13)
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Louie Gohmert (TX-01)
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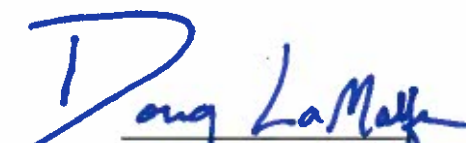

Ed Whitfield (KY-01)
Member of Congress


Brett Guthrie (KY-02)
Member of Congress


David Young (VA-03)
Member of Congress


Steve King (IA-04)
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Diane Black (TN-06)
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Doug LaMalfa (CA-01)
Member of Congress



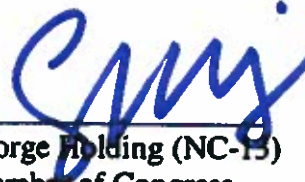
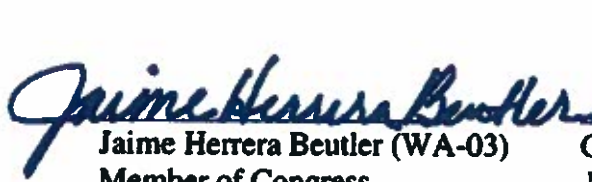
Chris Smith (NJ-04)
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Alan Lowenthal (CA-47)
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Member of Congress


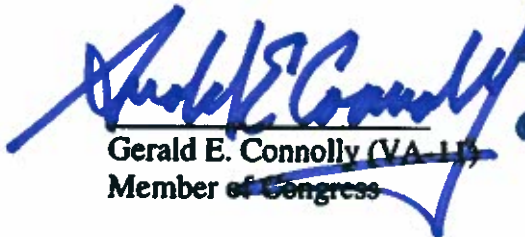


Jaime Herrera Beutler (WA-03)
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George Holding (NC-15)
Member of Congress



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Member of Congress



Gerald E. Connolly (VA-11)
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Scott Peters (CA-52)
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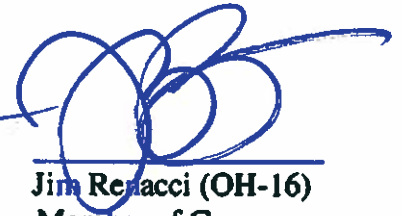
Bob Goodlatte (VA-06)
Member of Congress



David Jolly (FL-13)
Member of Congress



Matt Salmon (AZ-05)
Member of Congress



Jim Renacci (OH-16)
Member of Congress



Ralph Abraham, M.D. (LA-05)
Member of Congress



Kristi Noem (SD)
Member of Congress

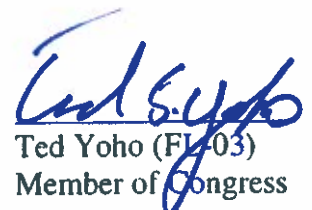
Bill Posey (FL-08)
Member of Congress



Charles Boustany, M.D. (LA-03)
Member of Congress



Patrick Tiberi (OH-12)
Member of Congress



Ted Yoho (FL-03)
Member of Congress



Charles W. Dent (PA-15)
Member of Congress



John Ratcliffe (TX-04)
Member of Congress