



June 27, 2014

Marilyn B. Tavenner
Administrator
Centers for Medicare & Medicaid Services
U.S. Department of Health and Human Services
Hubert H. Humphrey Building, Room 445-G
200 Independence Avenue, SW
Washington, DC 20201

Dear Administrator Tavenner:

The American Medical Association (AMA) and the Medical Group Management Association (MGMA) appreciate the recently proposed rule that would assist eligible professionals (EPs) to participate in the Electronic Health Record Meaningful Use (MU) Incentive Program for 2014. **However, we strongly urge you to extend the July 1 date for EPs to submit a hardship exception that will help them avoid MU financial penalties.**

The Notice of Proposed Rulemaking, published May 20, proposes permitting EPs who are unable to fully implement 2014 certified electronic health record technology (CEHRT) to report for the 2014 reporting year using 2011 CEHRT and using 2013 criteria. This is a much-needed modification to the program and should facilitate continued program participation for many EPs. However, the timing of the proposed rule, with its July 21 closing date for public comments and publication of the final rule not expected until late summer, falls well after the July 1 date for EPs to submit a hardship exception to avoid the 2015 Medicare payment adjustment.

Many EPs are working diligently toward successfully meeting the 2014 requirements, but expect to do so later this year and well after the July 1 deadline. With the expected delay in finalization of the rule, many EPs are unclear as to the MU requirements for 2014 and whether they need to apply for a hardship now before the rule is finalized. Should an EP be unable to meet the modified MU requirements they will have missed the hardship exception deadline and will be unfairly penalized in 2015. To date fifty percent of Medicare EPs have participated in the MU program, placing another fifty percent at risk for these penalties.

We recommend that the agency extend the deadline for EPs to submit the hardship exception to a minimum of 30 days following publication of the final rule. This additional time



would allow EPs to fully understand the new rule's requirements and would provide further encouragement for EPs to continue their participation in this important program.

Thank you for your consideration of this request. Should you have any questions, please feel free to contact Mari Savickis at mari.savickis@ama-assn.org or Robert Tennant at rtennant@mgma.org.

Sincerely,

American Medical Association

Medical Group Management Association