May 23, 2017

The Honorable Tom Price, M.D.
Secretary
U.S. Department of Health and Human Services
200 Independence Avenue, S.W.
Washington, D.C. 20201

Dear Secretary Price:

We applaud you for your continuing commitment to reducing regulatory burdens, thereby ensuring that the doctor-patient relationship is not only restored but also protected. We know that, as a physician yourself, you understand the tremendous burden physicians face in juggling the requirements of multiple Medicare quality improvement programs, often at the expense of time spent on patient care. As such, we hope you will revisit the penalties, slated to be imposed on physicians in 2018, in the upcoming Medicare physician fee schedule.

We worked in a bipartisan manner to include much needed regulatory relief in the Medicare Access and CHIP Reauthorization Act (MACRA), and as you well know, Congress intended for MACRA to ease both the administrative and financial burdens of existing quality improvement programs. In implementing MACRA, the Centers for Medicare & Medicaid Services (CMS) provided further relief when it published the initial MACRA regulations. However, as the physicians we represent continue to remind us, much of the relief provided through MACRA will not come into effect until 2019, and physicians still face up to 10 percent in penalties next year if they do not participate in, or are unsuccessful at meeting, current program requirements.

The next opportunity for immediate regulatory relief is upon us, in the form of the upcoming Medicare physician fee schedule set to be released this summer. We hope you will revisit the 2018 physician penalties, and urge CMS to provide immediate regulatory relief as part of that rulemaking. Specifically, we recommend that the Department consider the following actions:

- **Reduce the potential penalties provided for under the Value-Based Payment Modifier (VM)**
  In 2018, the VM could impose penalties of up to four percent on physicians’ Medicare payments. The statute provides the Department with considerable flexibility in determining the amount of these adjustments, and the agency could provide immediate relief.

- ** Adopt broader Electronic Health Record (EHR) “Meaningful Use” (MU) Hardship Exemptions**
  Under MACRA regulations, hardship exemptions from various portions of the new Merit-based Incentive Payment System (MIPS) are provided for small practices and practices with a low-volume of Medicare patients. The Department should use its existing statutory authority to establish comparable exemptions under the EHR MU program for 2018.
• Ease the burdens of the Physician Quality Reporting System (PQRS)
  We have heard from many physicians that the quality reporting requirements that will
determine 2018 payment (nine quality measures in three domains) were simply too
demanding, especially for specialists, who have a limited number of approved quality
measures. CMS has already acted to significantly reduce the reporting requirement for
quality measures under MIPS, and in the first year, reporting on even one measure allows a
physician to avoid penalties. CMS has the statutory authority needed to provide similar relief
from the PQRS adjustment for 2018.

Physicians spend far too much time on administrative tasks, taking precious time away from
their patients. Providing regulatory relief for physicians under the current Medicare quality
improvement programs is in the interests of the patients these quality programs are intended to
serve.

Thank you for your consideration.

Sincerely,

David P. Roe, M.D.
Member of Congress

Andy Harris, M.D.
Member of Congress

Roger Marshall, M.D.
Member of Congress

Ralph Abraham, M.D.
Member of Congress

Scott DesJarlais, M.D.
Member of Congress

Brian Babin, D.D.S.
Member of Congress

Brad Wenstrup, D.P.M.
Member of Congress

Neal Dunn, M.D.
Member of Congress
Andy Barr  
Member of Congress

Vicente Gonzalez  
Member of Congress

Pete Sessions  
Member of Congress

Mo Brooks  
Member of Congress

Dave Trott  
Member of Congress

Earl ‘Buddy’ Carter  
Member of Congress

Marsha Blackburn  
Member of Congress

Collin Peterson  
Member of Congress

Tim Murphy  
Member of Congress

Jody Hice  
Member of Congress

Gus Bilirakis  
Member of Congress

Garret Graves  
Member of Congress

Steve King  
Member of Congress

Daniel Webster  
Member of Congress
Richard Hudson
Member of Congress

Bill Posey
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Ted Yoho, D.V.M.
Member of Congress

Vicky Hartzler
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Virginia Foxx
Member of Congress

Ken Buck
Member of Congress

Mike Coffman
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John Duncan
Member of Congress

Lloyd Smucker
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F. James Sensenbrenner, Jr.
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Scott Tipton
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Austin Scott
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Joe Wilson
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Tom Graves
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Barry Leudermilk  
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Jaime Herrera Beutler  
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Todd Rokita  
Member of Congress

Bradley Byrne  
Member of Congress