

September 8, 2015

The Honorable Renee Ellmers  
U.S. House of Representatives  
1210 Longworth House Office Building  
Washington, DC 20515

Dear Representative Ellmers,

The undersigned surgical organizations would like to thank you for your leadership in introducing H.R. 3309, the “Further Flexibility in HIT Reporting and Advancing Interoperability Act” or “Flex IT 2 Act.” This legislation would provide much needed flexibility in the Meaningful Use (MU) program as well as reduce the regulatory burden on physicians.

Physicians recognize the value of electronic health record (EHR) technology but technology delays, rigid measures and shifting regulatory requirements have impacted their ability to meet the requirements of Medicare’s MU program. Our organizations are concerned about the large number of physicians receiving MU penalties. Even practitioners who had been successfully participating previously are now being penalized, and we anticipate that the number of practitioners receiving penalties will increase as they are unable to succeed in the more difficult phases of the program. Furthermore, we are concerned that the MU program is being developed separately from other quality improvement reporting programs, including the new Merit-based Incentive Payment System (MIPS).

H.R. 3309 would provide needed flexibility in the MU program and reduce the regulatory burden on physicians by:

- Delaying Stage 3 Rulemaking until at least 2017 OR until MIPS final rules OR at least 75% of doctors and hospitals are successful in meeting Stage 2 requirements;
- Considering MU quality requirements are satisfied if PQRS QCDR requirements are met;
- Eliminating the all or nothing approach of the MU Program;
- Expanding the program’s current hardship exemptions and establishing an exemption for eligible professionals who are at or near retirement age;
- Adjusting the reporting period for electronic health records to give providers the option to choose any three-month period; and
- Encouraging interoperability among EHR systems.

Again, thank you for your leadership in introducing this legislation. We look forward to working with you to advance H.R. 3309 to ensure all physicians can successfully participate in the Medicare MU program.

Sincerely,

American Academy of Facial Plastic and Reconstructive Surgery  
American Academy of Ophthalmology  
American Academy of Otolaryngology—Head and Neck Surgery  
American Association of Neurological Surgeons  
American Association of Orthopaedic Surgeons  
American College of Surgeons  
American Society of Anesthesiologists  
American Society of Cataract and Refractive Surgery  
American Society of Plastic Surgeons  
American Urological Association  
Congress of Neurological Surgeons  
Society for Vascular Surgery  
The Society of Thoracic Surgeons