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President
H. HUNT BATJER, MD
Dallas, Texas

President
RUSSELL R. LONSER, MD
Columbus, Ohio

November 9, 2015

The Honorable Tom Price
U.S. House of Representatives
Washington, DC 20515

SUBJECT: H.R. 3940, the "Meaningful Use Hardship Relief Act"

Dear Dr. Price,

On behalf of the American Association of Neurological Surgeons (AANS) and Congress of Neurological Surgeons (CNS), we are pleased to endorse H.R. 3940, the "Meaningful Use Hardship Relief Act."

As you know, in order to avoid a penalty under Medicare's electronic health record meaningful use (MU) program, physicians must attest that they met the requirements for MU Stage 2 for a period of 90 consecutive days during calendar year 2015. However, the Centers for Medicare & Medicaid Services (CMS) did not publish the Modifications Rule for Stage 2 of MU until October 16, 2015 — meaning that by the time physicians were informed of the requirements, fewer than the 90 required days for reporting remained in the calendar year. Physicians and hospitals are facing significant financial penalties due to this delay, which leaves less than the allotted time to report in this year. The new rules also add additional requirements, leaving physicians no time to upgrade systems and change workflows to meet the new program measures in 2015.

CMS has acknowledged this problem and has stated that physicians may apply for a hardship exception if they are unable to attest due to the lateness of the rule. Furthermore, the agency also announced that they will broadly grant these exceptions for 2015. Unfortunately, the statute requires that hardship exceptions be granted on a case-by-case basis only. This means that hundreds of thousands of physicians will be required to apply for exceptions and that CMS will be required to act on each application individually.

It would be both equitable and more efficient for physicians and hospitals, as well as for CMS, if Congress allowed for an expedited hardship exception process for participants for the year 2015. We, therefore, thank you for introducing H.R. 3940, which would provide CMS the authority to grant blanket hardship exceptions to physicians, hospitals and other providers affected by the 2015 MU program requirements.

We look forward to working with you to pass this urgent legislation.

Sincerely,

H. Hunt Batjer, MD, President
American Association of Neurological Surgeons

Russell R. Lonser, President
Congress of Neurological Surgeons

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