

November 2, 2015

The Honorable Mitch McConnell  
Majority Leader  
United States Senate  
230 U.S. Capitol  
Washington, DC 20510

The Honorable Harry Reid  
Minority Leader  
United States Senate  
221 U.S. Capitol  
Washington, DC 20510

Dear Leader McConnell and Senator Reid:

On behalf of the undersigned state and national medical specialty organizations, we are writing to express our strong concerns with the decision by the Administration to move ahead with implementation of Stage 3 of the Meaningful Use program despite the widespread failure of Stage 2. While the overall goal established by Congress in the HITECH Act, namely to promote widespread adoption of electronic health records by physicians and hospitals, has largely been achieved, the Stage 3 requirements are inconsistent with the goal of promoting better coordinated and high quality patient care. Congressional action to refocus this program is urgently needed before physicians, frustrated by the near impossibility of compliance with meaningless and ill-informed bureaucratic requirements, abandon the program completely.

Congress enacted the HITECH Act with the best of intentions and, in large part, the goals of the law have been achieved. In 2001, only 18% of physicians used electronic health records. Today, more than 80% have them. This was due in part to federal incentives, which helped to offset a portion of the cost of acquiring and operating the technology. However, as the regulatory scheme to measure “meaningful use” of this technology has evolved, the Centers for Medicare & Medicaid Services (CMS) has continued to layer requirement on top of requirement, usually without any real understanding of the way health care is delivered at the exam room level. What has emerged from this morass of regulation is a system that relegates physicians to the role of data entry clerks, filling the patient record with unnecessary documentation requirements unrelated to the provision of quality care. In addition, the program has failed to focus on interoperability and has instead created new barriers to easily exchanging data and information across care settings.

The regulatory scheme developed by CMS envisioned three stages of increasingly onerous requirements for participants to demonstrate that they were “meaningful users” of the technology and to avoid reductions in Medicare reimbursements. Stage 2 of this program has largely been a failure, with only 12% of physicians successfully participating and little improvement in data

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exchange across care settings. CMS recently released modifications to Stage 2 to make modest improvements, though some new requirements will cause still more physicians to fail. Simultaneously CMS laid out more challenging requirements for Stage 3. Rather than build on the modest improvements made to Stage 2, CMS reverted back to the same fundamental flaws in the previous version of the program by focusing heavily on measure thresholds and excessive documentation requirements rather than improving interoperability. Relying so heavily on the failed construct of Stage 2 will only guarantee continued failure in Stage 3.

Stakeholders have urged the Administration to take a different path to achieving the vision originally laid out by Congress in the HITECH Act. We believe that the success of the program hinges on a laser-like focus on promoting interoperability and allowing innovation to flourish as vendors respond to the demands of physicians and hospitals rather than the current system where vendors must meet the ill-informed check-the-box requirements of the current program.

The Administration has not responded to this need and instead has chosen to perpetuate the current failed program through the release of Stage 3 Meaningful Use. It is unrealistic to expect that doing the same thing over and over again will result in a different outcome. We believe, therefore, that it is time for Congress to act to refocus the Meaningful Use program on the goal of achieving a truly interoperable system of electronic health records that will support, rather than hinder, the delivery of high quality care.

Sincerely,

American Medical Association  
Advocacy Council of the American College of Allergy, Asthma and Immunology  
Aerospace Medical Association  
AMDA – The Society for Post-Acute and Long-Term Care Medicine  
America Society for Radiation Oncology  
American Academy of Allergy, Asthma and Immunology  
American Academy of Dermatology Association  
American Academy of Emergency Medicine  
American Academy of Family Physicians  
American Academy of Home Care Medicine  
American Academy of Neurology  
American Academy of Ophthalmology

American Academy of Otolaryngic Allergy  
American Academy of Otolaryngology—Head and Neck Surgery  
American Academy of Physical Medicine and Rehabilitation  
American Association of Clinical Endocrinologists  
American Association of Hip and Knee Surgeons  
American Association of Neurological Surgeons  
American association of Orthopaedic Surgeons  
American Clinical Neurophysiology Society  
American College of Cardiology  
American College of Gastroenterology  
American College of Mohs Surgery  
American College of Osteopathic Family Physicians  
American College of Osteopathic Internists  
American College of Osteopathic Surgeons  
American College of Phlebology  
American College of Physicians  
American College of Rheumatology  
American College of Surgeons  
American Gastroenterological Association  
American Geriatrics Society  
American Osteopathic Association  
American Psychiatric Association  
American Society for Clinical Pathology  
American Society for Dermatologic Surgery Association  
American Society for Gastrointestinal Endoscopy  
American Society for Surgery of the Hand  
American Society of Cataract and Refractive Surgery  
American Society of Clinical Oncology  
American Society of Dermatopathology  
American Society of Echocardiography  
American Society of Nuclear Cardiology  
American Society of Plastic Surgeons  
American Society of Retina Specialists  
American Thoracic Society  
American Urological Association  
College of American Pathologists  
Congress of Neurological Surgeons  
Heart Rhythm Society  
Infectious Diseases Society of America  
International Society for the Advancement of Spine Surgery

Medical Group Management Association  
National Association of Spine Specialists  
North American Spine Society  
Obesity Medicine Association  
Renal Physicians Association  
Society for Cardiovascular Angiography and Interventions  
Society for Vascular Surgery  
Society of Hospital Medicine  
Spine Intervention Society

Medical Association of the State of Alabama  
Alaska State Medical Association  
Arizona Medical Association  
Arkansas Medical Society  
California Medical Association  
Colorado Medical Society  
Connecticut State Medical Society  
Medical Society of Delaware  
Medical Society of the District of Columbia  
Florida Medical Association Inc  
Medical Association of Georgia  
Hawaii Medical Association  
Idaho Medical Association  
Illinois State Medical Society  
Indiana State Medical Association  
Iowa Medical Society  
Kansas Medical Society  
Kentucky Medical Association  
Louisiana State Medical Society  
Maine Medical Association  
MedChi, The Maryland State Medical Society  
Massachusetts Medical Society  
Michigan State Medical Society  
Minnesota Medical Association  
Mississippi State Medical Association  
Missouri State Medical Association  
Montana Medical Association  
Nebraska Medical Association  
Nevada State Medical Association  
New Hampshire Medical Society

Medical Society of New Jersey  
New Mexico Medical Society  
Medical Society of the State of New York  
North Carolina Medical Society  
North Dakota Medical Association  
Ohio State Medical Association  
Oklahoma State Medical Association  
Oregon Medical Association  
Pennsylvania Medical Society  
Rhode Island Medical Society  
South Dakota State Medical Association  
Tennessee Medical Association  
Texas Medical Association  
Utah Medical Association  
Vermont Medical Society  
Medical Society of Virginia  
Washington State Medical Association  
West Virginia State Medical Association  
Wisconsin Medical Society  
Wyoming Medical Society

cc: United States Senate