

United States Senate

WASHINGTON, DC 20510

September 28, 2015

The Honorable Sylvia Mathews Burwell
Secretary
U.S. Department of Health and Human Services
200 Independence Avenue, SW
Washington, D.C. 20201

Dear Secretary Burwell,


We write to request that the department delay until no sooner than January 1, 2017, making final rules for stage three of the meaningful use program, and then phase in stage three requirements at a rate that reflects how successfully the program is being implemented. In addition, we ask that the modified rule proposed for stage two of the program be adopted immediately. These actions will help most doctors and hospitals to comply with the government's requirements.

Patients need an interoperable system that enables doctors and hospitals to share their electronic health records, but the government, doctors, and hospitals need time to do it right. To date, taxpayers have invested \$30 billion to encourage electronic health records adoption. While all hospitals and most physicians met the requirements of the first stage of the meaningful use program, stage two requirements are so complex that only about 12 percent of eligible physicians and 40 percent of eligible hospitals have been able to comply. This year alone, 257,000 physicians have seen a 1 percent reduction in their Medicare reimbursements and 200 hospitals stand to see an even greater reduction. The modified stage two rule will enable more providers to comply with the government's requirements. It should be adopted immediately to give physicians and hospitals time to adapt to these huge changes.

If the department does not delay making final the stage three rules and instead proceeds before it can measure the impact of the modified stage two rule, it will be a missed opportunity to build support among providers. Pausing the stage three rules will also enable the department to ensure its final rules align with the new payment models created by the Medicare Access and CHIP Reauthorization Act, which created the Merit-Based Incentive Payment System.

For many years, our constituents have contacted us about their frustrations with the implementation of the meaningful use program. We respectfully request that you delay making final the stage three rules and immediately adopt the modifications to the stage two rule. We look forward to your response.

Sincerely,



JOHN THUNE
United States Senator



LAMAR ALEXANDER
United States Senator