

United States Senate

WASHINGTON, DC 20510

September 12, 2014

The Honorable Marilyn Tavenner
Administrator, Centers for Medicare and Medicaid Services
200 Independence Avenue, SW
Hubert Humphrey Building, Room 337
Washington, DC 20201

Dear Administrator Tavenner:

In its September 2012 Final Stage 2 Electronic Health Record (EHR) Incentive Program rule, the Centers for Medicare and Medicaid Services (CMS) granted pathologists a significant hardship exception from the EHR Meaningful Use (MU) payment adjustments for 2015. We write to request that CMS, in its upcoming Stage 3 EHR proposed rule, grant pathologists a full 5-year exemption from the EHR MU payment adjustments as allowed under current law.

The current MU criteria and requirements include objectives that are outside the scope of pathology practice. Most pathologists do not use certified EHRs because they have limited direct interaction with their patients. Instead, pathologists rely on computerized Laboratory Information Systems and Anatomic Pathology Information Systems to support their work of analyzing patient specimens and generating test results in order to diagnose disease and monitor the effects of therapy on patients. The resulting data is then incorporated into EHRs. Unfortunately, the current EHR MU standards do not provide flexibility to accommodate pathologists' practice of medicine.

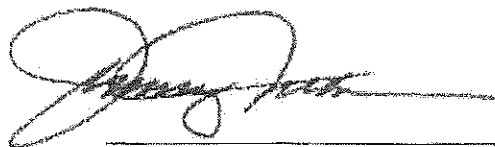
CMS has already recognized that pathologists face significant barriers in meeting the current MU requirements, as evidenced by its decision to grant a significant hardship exception to pathologists for the first year of payment adjustments. Congress has also acknowledged the difficulty pathologists have meeting these requirements. Pending bipartisan, bicameral legislation to repeal the Sustainable Growth Rate formula (S. 2000 and H.R. 4015) includes language that would give the Secretary of Health and Human Services the flexibility to develop measures and activities to better reflect the way pathologists and other non-patient-facing professionals practice.

Because the program's current rules do not account for the unique circumstances of pathologists, we urge CMS to grant pathologists a full 5-year exemption from the EHR MU payment adjustments. We remain committed to working with you to enhance the EHR program. Thank you in advance for your consideration of this request.

Sincerely,



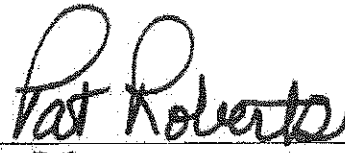
Sherrod Brown
United States Senator



Johnny Isakson
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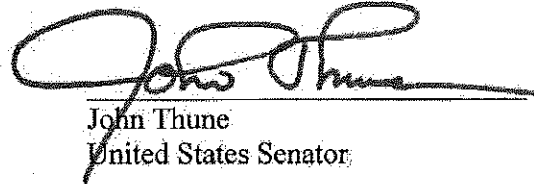
Debbie Stabenow
United States Senator



Pat Roberts
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Robert P. Casey, Jr.
United States Senator



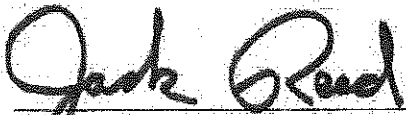
John Thune
United States Senator



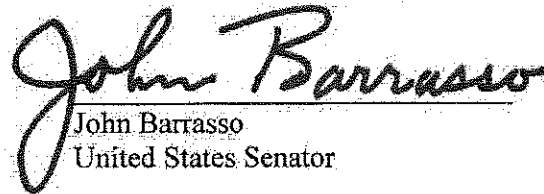
Tim Johnson
United States Senator



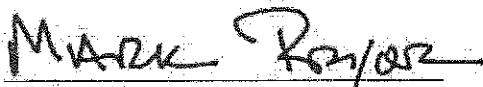
Richard Burr
United States Senator



Jack Reed
United States Senator



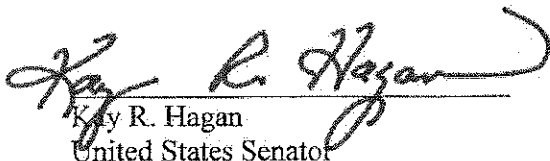
John Barrasso
United States Senator



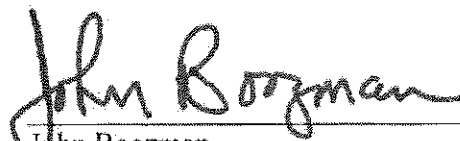
Mark L. Pryor
United States Senator




Jerry Moran
United States Senator



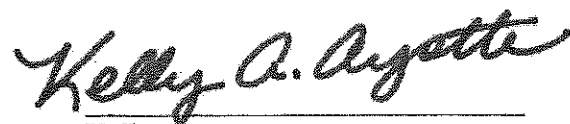
Kay R. Hagan
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