

March 23, 2020

Seema Verma  
Administrator  
Centers for Medicare and Medicaid Services  
7500 Security Boulevard Baltimore, MD 21244

Demetrios Kouzoukas  
Principal Deputy Administrator & Director of the Center for Medicare  
Centers for Medicare and Medicaid Services  
7500 Security Boulevard Baltimore, MD 21244

Re: Emergency flexibilities and guidance for physicians

Dear Administrator Verma and Deputy Administrator Kouzoukas:

On behalf of over 34,000 orthopaedic surgeons and residents represented by the American Association of Orthopaedic Surgeons (AAOS), we would like to thank the Centers for Medicare and Medicaid Services (CMS) and the Center for Medicare and Medicaid Innovation (CMMI) teams for swiftly responding to stakeholder needs amidst these unprecedented times. Given the rapidly evolving nature of this emergency, we are writing today to highlight several requests that require the immediate attention of the Center for Medicare.

### **Merit-based Incentive Payment System**

AAOS appreciates the guidance from the CMS Center for Clinical Standards and Quality on Medicare quality programs. We welcome the delay of the 2019 Merit-based Incentive Payment System (MIPS) data submission deadline to April 30, 2020. However, we believe greater clarity is needed on the impact of incentive payments for eligible clinicians who have already submitted their data, or plan to do so within the next month. Given the statutory requirement for budget neutrality, a neutral adjustment for those who fail to submit by the new deadline may negatively impact participants who are expecting to receive a robust positive bonus.

In addition, AAOS seeks further clarity on the MIPS 2020 data submissions and performance thresholds. We have requested that Congress rethink the 2020 performance thresholds as well as the resulting incentive payments in the MACRA statute. Likewise, CMS should also delay the implementation timeline for the MIPS Value Based Pathways, considering the resources that will need to be allocated to address the pressing public health emergency and ensuing patient care issues.

### **Qualified Clinical Data Registry (QCDR) measure testing for 2021**

Currently CMS requires all QCDR measures be fully developed and tested at the clinician level prior to self-nomination. Much of the burden of measure testing comes from orthopaedic practices, who have either diverted resources to fighting the COVID-19 epidemic or reduced

operating hours to stay the spread of the disease. As such, AAOS and other specialty societies who develop QCDR measures may find it difficult to recruit participants to fully test measures prior to the deadline. In this way, AAOS asks that CMS delay the need for QCDR measure testing for at least one year.

As you are aware, orthopaedic surgeons are at the front line of the value-based care movement. We appreciate the prompt actions taken by CMS and the Administration in response to requests precipitated by this public health emergency. If you have any questions, please do not hesitate to contact Shreyasi Deb, PhD, AAOS Senior Director, Health Policy by email at [deb@aaos.org](mailto:deb@aaos.org).

Sincerely,



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President, American Association of Orthopaedic Surgeons

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