



AMERICAN ACADEMY OF  
ORTHOPAEDIC SURGEONS

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December 13, 2017

The Honorable John Thune  
United States Senate  
511 Dirksen Senate Office Building  
Washington, DC 20510

Dear Senator Thune,

On behalf of over 18,000 board-certified orthopaedic surgeons, the American Association of Orthopaedic Surgeons (AAOS) would like to commend you for introducing S. 2059, the EHR Regulatory Relief Act. The AAOS believes that health information technology is a fundamental component to improving our nation's health care system and has been working to increase electronic health record (EHR) adoption and Meaningful Use (MU) certification among its members. Additionally, the AAOS has been working to prepare its members for the EHR use requirements set forth in the Advancing Care Initiatives (ACI) component of the Merit-based Incentive Payment System (MIPS).

The AAOS is encouraged that the Centers for Medicare and Medicaid Services has instituted a 90-day reporting period for MU for previous reporting years. However, with the start of the Quality Payment Program next year, and the new requirements set forth in ACI, many physicians remain concerned about the need to report for 365 days. Additionally, the current EHR reporting program uses an all-or-nothing approach, which creates an undue burden on physicians since even a small omission will result in penalties despite good faith efforts. Finally, current statute requires the Secretary of the Department of Health and Human Services to escalate the program by requiring more stringent measures of EHR use over time. This mandate, which creates an ever-increasing set of complex requirements, further burdens physicians and may inhibit their ability to provide quality care to their patients.

S. 2059 would address these issues by codifying the inclusion of a 90-day reporting period policy for physicians under the ACI component of MIPS. The bill would also remove the all-or-nothing approach and would institute a new threshold level, where the Secretary may determine that an eligible professional is a meaningful EHR user if they meet at least 70 percent of the established measures. The legislation also removes the requirement for the Secretary to create more stringent measures of EHR use over time.

Again, the AAOS commends the efforts put forth in this legislation to provide needed flexibility for providers regarding EHR reporting. Please feel free to contact Catherine Hayes, AAOS Senior Manager of Government Relations ([hayes@aaos.org](mailto:hayes@aaos.org)), if you have any questions or if the AAOS can serve as a resource to you.

Sincerely,

William Maloney, MD  
President  
American Association of Orthopaedic Surgeons