

## RUPRI Rural Health Panel

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June 6, 2013

Marilyn Tavenner

Administrator

Centers for Medicare and Medicaid Services

Department of Health and Human Services

Attention: CMS-1454-P

By electronic submission at <http://www.regulations.gov>

RE: CMS-1454-P, Physicians' Referrals to Health Care Entities With Which They Have Financial Relationships: Exception for Certain Electronic Health Records Arrangements.

Dear Ms. Tavenner:

The Rural Policy Research Institute Health Panel (Panel) submits the following comment. The Panel was established in 1993 to provide science-based, objective policy analysis to federal policy makers.

**PROPOSED RULE: § 411.357(w)(2): Exceptions to the referral prohibition related to compensation arrangements**

CMS proposes to specify that the Office of the National Coordinator for Health Information Technology be the entity to authorize certifying bodies, and that the requirement for certification to have been within the previous 12 months be removed.

We concur with CMS that the ONC is the appropriate entity to establish an authorizing process for entities seeking to be certifying bodies. We also agree that the original requirement that certification of interoperability within the previous 12 months is no longer appropriate and could inhibit desirable spread of the use of electronic health records, particularly in small physician practices.

**PROPOSED RULE: § 411.357 (w)(13): Date the Exclusion Expires**

CMS proposes to extend the current sunset date from December 31, 2013 to December 31, 2016.

We concur with CMS that the current date is unreasonable, given the slow adoption of electronic health records. We believe that the incentive program has not had sufficient

time to make a difference in the rate of adoption of EHRs, for the most part because small practices in particular were at very low levels of adoption. We encourage CMS to revisit the question of how long the incentive program should remain in place during the early months of 2016.

Sincerely,

The Rural Policy Research Institute Health Panel