

## The Extreme and Uncontrollable Circumstances Policy for the Merit-based Incentive Payment System (MIPS) in 2017

Recently, many of you as eligible clinicians were affected by California wildfires and Hurricanes Harvey, Irma, and Maria. All of these disasters happened during the 2017 MIPS transition year, so you might be wondering what they mean for your MIPS participation. We understand that if you live or practice where these disasters took place, you may not be able to collect or submit program data for a long time.

To let you know what these extreme and uncontrollable circumstances mean for you, the Centers for Medicare & Medicaid Services (CMS) issued an [interim final rule with comment period \(CMS-5522-IFC\)](#) that includes the policy for the 2017 MIPS transition year.

### Who Does the Extreme and Uncontrollable Circumstances Policy Apply To?

Our Extreme and Uncontrollable Circumstances policy applies to MIPS eligible clinicians in affected areas, but doesn't apply to MIPS eligible clinicians in MIPS Alternative Payment Models (MIPS APMs) in 2017 (such as the Medicare Shared Savings Program).

#### MIPS Individual Eligible Clinicians and Groups

We used an interim final rule with comment period (CMS-5522-IFC), published in the CY 2018 Quality Payment Program final rule with comment period, to address extreme and uncontrollable circumstances for the MIPS Advancing Care Information, Quality, and Improvement Activities performance categories for the transition year of MIPS. This policy doesn't apply to the Cost performance category since it has a 0% weight in the transition year.

Under this policy, if you're affected by Hurricanes Harvey, Irma, or Maria or the Northern California Wildfires, we've tried to lessen your burden by not requiring you to submit an application to reweight the performance categories. We'll be able to automatically identify you. If you're an affected MIPS eligible clinician, you'll automatically receive a neutral MIPS payment adjustment, unless you submit data for any of the MIPS performance categories by the submission deadline for 2017, in which case you will be scored on each performance category for which you submit data, according to existing MIPS scoring policies. This automatic extreme and uncontrollable circumstances policy only applies to you if you're an individual MIPS eligible clinician in an affected area based on information in the Provider Enrollment, Chain and Ownership System (PECOS).

#### APM Entities Scored under MIPS Scoring Standard

The Extreme and Uncontrollable Circumstances policy does not apply to MIPS eligible clinicians in MIPS Alternative Payment Models (MIPS APMs) in 2017. This is because under the APM scoring standard in the first year of MIPS, an APM entity would normally receive a score that is at least equal to or higher than the performance threshold resulting in at least a neutral or



slightly positive MIPS payment adjustment in the 2019 payment year, even those entities who are in the areas affected by hurricanes and other natural disasters.

The reason for this is that under the improvement activities performance category, we determine a category score for each MIPS APM based on the improvement activities required of APM Entities and eligible clinicians under the terms of the MIPS APM, and that score is automatically applied to all APM Entities participating in the MIPS APM. In 2017, all MIPS APMs require participants to take part in improvement activities that would earn a score of 100% in this MIPS performance category. Therefore, under the APM scoring standard, all APM Entities are assigned a score of 100% in this category. In 2017, the improvement activities performance category is worth 20% of an APM Entity's final score for MIPS APMs that require use of the CMS Web Interface, and 25% for other MIPS APMs. With an improvement activities score of 100% weighted at 20% or 25% of the final score, an APM Entity in a MIPS APM will earn at least a neutral or slightly positive MIPS payment adjustment in the 2019 payment year.

If APM entities are able to report under the quality or advancing care information performance categories, they could increase their score and earn a somewhat higher positive MIPS payment adjustment. We do note though that if an APM decides to exempt from quality reporting requirements all or some of their APM Entities, for purposes of the APM scoring standard, no quality measures will be available for scoring in the performance period and we will reweight the quality performance category to zero for the affected performance year.

## Frequently Asked Questions

### How do I know if I'm in a hurricane-impacted area?

You can find the hurricane-impacted areas on our [Emergency Response and Recovery](#) page.

### What areas impacted by the hurricanes are included in the interim final rule with comment period?

Hurricanes Harvey, Irma, and Maria (which happened in August and September 2017) qualify as a "triggering event" for the automatic policy covering extreme and uncontrollable circumstances. A list of impacted areas can be found on [CMS' Emergency Response and Recovery](#) page and include:

- All 67 counties in Florida
- All 159 counties in Georgia
- All 64 parishes of Louisiana
- All 78 municipios in Puerto Rico
- All 46 counties and the Catawba Indian Nation of South Carolina
- The following counties in Texas: Aransas; Austin; Bee; Brazoria; Calhoun; Chambers; Colorado; Dewitt; Fayette; Fort Bend; Galveston; Goliad; Gonzales; Harris; Jackson; Jefferson; Jim Wells; Karnes; Kleberg; Lavaca; Liberty; Live Oak; Matagorda; Nueces; Refugio; San Patricio; Victoria; Waller; Wharton; and Wilson
- All of the U.S. Virgin Islands.

## What do extreme and uncontrollable circumstances mean for the MIPS Transition Year scoring?

Here's how your scoring will be affected if you've faced extreme and uncontrollable circumstances:

- We'll assign a weight of 0% in the MIPS final score for each performance category where you don't submit data by the applicable deadline.
- If you don't submit any data, you won't have a negative MIPS payment adjustment for the 2019 MIPS payment year. If you have fewer than 2 performance category scores, you'll receive a final score that's equal to the performance threshold and a neutral MIPS payment adjustment.
- If you're eligible for reweighting due to extreme and uncontrollable circumstances but still choose to report on one or more performance categories (either as an individual or group), you'll be scored on those performance categories and your MIPS payment adjustment will be based on your final score.
- The performance category or categories won't be reweighted to 0% in the final score, and you may be eligible for a positive MIPS payment adjustment based on your final score.
- If you're an individual MIPS eligible clinician who's part of a group, you can qualify for this policy.
- Groups will only be scored as a group if they submit information to MIPS as a group. If a group's located in an affected area and doesn't submit any data, the MIPS eligible clinicians in that group will be treated as individuals, get a MIPS final score equal to the performance threshold, and get a neutral MIPS payment adjustment. If a group in an affected area submits any data as a group, the new Extreme and Uncontrollable Circumstances policy doesn't apply and the group will get a final score based on the generally applicable MIPS scoring policies.

## What If I've Been Affected by the Northern California Wildfires?

The Extreme and Uncontrollable Circumstances policy applies to MIPS eligible clinicians affected by Hurricanes Irma, Harvey, and Maria as well as the Northern California Wildfires.

These clinicians will be granted exceptions without having to submit an extraordinary circumstances exception request if they're located in one of the California counties designated by the [Federal Emergency Management Agency \(FEMA\)](#) as a major disaster county.

## Where can I learn more?

- [Quality Payment Program](#)
- [2018 Quality Payment Program final rule with comment and extreme and uncontrollable circumstance policy for the Transition Year](#)
- [Federal Emergency Management Agency \(FEMA\) designated disaster areas](#)
- [CMS' Emergency Response and Recovery](#)
- [CMS 2017 California Wildfires guidance](#)

You can also contact us at 1-866-288-8292 (TTY 1-877- 715- 6222), Monday through Friday, 8:00 AM-8:00 PM ET or by email at: [QPP@cms.hhs.gov](mailto:QPP@cms.hhs.gov).