

## Quality Payment Program – COVID-19 Response

The Centers for Medicare & Medicaid Services (CMS) is implementing multiple flexibilities to provide relief to clinicians responding to the 2019 Novel Coronavirus (COVID-19) pandemic.

- We have [extended the 2019 MIPS data submission deadline](#).
- We have identified the COVID-19 pandemic as a triggering event for the [MIPS Automatic Extreme and Uncontrollable Circumstances policy](#). This policy only applies to individual MIPS eligible clinicians.
- We have re-opened the 2019 [Extreme and Uncontrollable Circumstances application](#) to individuals, groups and virtual groups, including those who have already submitted data.

### Extension to the 2019 Data Submission Deadline

We have extended the 2019 Merit-based Incentive Payment System (MIPS) data submission deadline from March 31 by 30 days to **April 30, 2020**.

### MIPS Automatic Extreme and Uncontrollable Circumstance Policy

#### What Is the MIPS Automatic Extreme and Uncontrollable Circumstances Policy?

Beginning with the 2017 performance period<sup>1</sup>, we established an automatic extreme and uncontrollable circumstances policy in MIPS for clinicians affected by natural disasters and emergencies. Clinicians affected by these extreme and uncontrollable circumstances may have their performance categories reweighted and potentially receive a neutral payment adjustment.

#### What Does the MIPS Automatic Extreme and Uncontrollable Circumstances Policy for COVID-19 Mean for Me in the 2019 Performance Period?

CMS has determined that the MIPS automatic extreme and uncontrollable circumstances policy will apply to MIPS eligible clinicians who do not submit their 2019 MIPS data **by the April 30, 2020 extended deadline**.

If you are a MIPS eligible clinician and do not submit data as an individual in two or more performance categories by April 30, 2020, you won't need to take any additional action to qualify for the automatic extreme and uncontrollable circumstances policy. This includes MIPS eligible clinicians who qualify for facility-based measurement. You will be automatically identified and will receive a neutral payment adjustment for the 2021 MIPS payment year.

For MIPS eligible clinicians participating in Medicare Shared Savings Program Accountable Care Organizations (ACOs) or in APM entities participating in other MIPS Alternative Payment Models (APMs), the APM quality score reflects any changes made under the terms of each MIPS APM's respective extreme and uncontrollable circumstances policy; the Cost performance category is always weighted at 0% of the MIPS final score for MIPS APM participants; and the Promoting Interoperability performance category is reweighted to 0% of the MIPS final score if

<sup>1</sup> See § 82 FR 53895 through 53900



no data is submitted. As a result, MIPS APM participants that do not submit quality data would only have a score in one performance category (improvement activities), and thus they would receive a neutral payment adjustment for the 2021 MIPS payment year.

### If I Qualify for the MIPS Automatic Extreme and Uncontrollable Circumstances Policy, can I Still Submit Data for the 2019 Performance Year?

Yes. Many MIPS eligible clinicians who submitted data in previous years received high scores in MIPS.

Individual MIPS eligible clinicians who submit data by April 30, 2020 for two (2) or more performance categories will be scored on those categories and receive a 2021 MIPS payment adjustment based on their 2019 MIPS final score.

Under the automatic extreme and uncontrollable circumstances policy, **the Cost performance category will always be weighted at 0%, even if you submit data for the other performance categories.**

### How Will This Policy Affect My 2019 Final Score and 2021 Payment Adjustment?

You will automatically receive a final score equal to the performance threshold, which will result in a neutral payment adjustment (neither a positive nor a negative adjustment) on covered professional services furnished in the 2021 MIPS payment year **unless**:

- You submit data as an individual for 2 or more MIPS performance categories (Quality, Improvement Activities, and/or Promoting Interoperability); or
- You are part of a group that submits data on behalf of its clinicians; or
- You part of a virtual group.

The 2019 MIPS Extreme and Uncontrollable Circumstances Application is available to clinicians who have already submitted some data as an individual or part of a group, and to clinicians participating as a virtual group. [Learn more.](#)

For a more detailed explanation of how your performance categories will be reweighted under the automatic policy, please see [Appendix A](#).

### What if Our Practice Already Submitted 2019 Performance Year Data as a Group?

The automatic extreme and uncontrollable circumstances policy does not apply to group participation. If you are a MIPS eligible clinician in a practice that has already submitted data as a group, we will score the group in all performance categories according to existing MIPS scoring policies. You will receive a final score and payment adjustment based on the data submitted.



Groups that are not able to complete their data submission for the 2019 performance year can submit an [extreme and uncontrollable circumstances application](#).

If your group does not submit any data by April 30, 2020 and you do not submit any data as an individual you will receive a neutral payment adjustment for the 2021 MIPS payment year.

### **What if We're Participating in MIPS as a Virtual Group?**

The automatic extreme and uncontrollable circumstances policy does not apply to virtual groups. Virtual groups who will be unable to submit data by April 30, 2020 will need to submit an [extreme and uncontrollable circumstances application](#).

## **Extreme and Uncontrollable Circumstances Application**

We are re-opening the 2019 extreme and uncontrollable circumstances application to allow clinicians who do not qualify for the automatic extreme and uncontrollable circumstances policy to request that all four performance categories be reweighted to 0%.

The application is available to:

- Individual clinicians who started, but are unable to complete, their data submission;
- Small practices that were automatically scored as a group on Medicare Part B claims quality measures;
- Groups that started, but are unable to complete, their data submission; and
- Virtual groups that are unable to start or complete their data submission.

The application is accessible [here](#). When completing the application, please make sure that you:

- Select individual, group or virtual group as appropriate to your level of participation;
- Select 1/1/2020 and 4/30/2020 as your start- and end-dates;
- Indicate that you are unable to complete data submission due to the COVID-19 pandemic; and
- Select all 4 performance categories for reweighting.

An extreme and uncontrollable circumstance application submitted between April 3 and April 30, 2020 citing COVID-19, and approved by CMS, will override any previous data submission.<sup>2</sup>

If you have questions about a previously approved application submitted before December 31, 2019, please contact the Quality Payment Program at 1-866-288-8292, Monday through Friday, 8:00 a.m. - 8:00 p.m. Eastern Time or by email at: QPP@cms.hhs.gov. Customers who are hearing impaired can dial 711 to be connected to a TRS Communications Assistant.

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<sup>2</sup> Medicare and Medicaid Programs: Policy and Regulatory Revisions in Response to the COVID-19 Public Health Emergency interim final with comment.



## **Our practice is participating in MIPS as individuals. Under what circumstances would we need to complete an application for one of our clinicians?**

The extreme and uncontrollable circumstances application is an option to reweight all four performance categories to 0% for any MIPS eligible clinician who:

- Has partial data submitted for two (2) or more performance categories; AND
- Will not be able to complete their data submission by April 30, 2020; AND
- Currently has a preliminary score below 30 points.

Individual MIPS eligible clinicians who meet these criteria and don't complete an extreme and uncontrollable circumstances application could be subject to a negative payment adjustment in the 2021 payment year.

Individual MIPS eligible clinicians who have not submitted 2019 performance year data or have only submitted data for one performance category will earn a final score equal to the performance threshold and a neutral payment adjustment.

## **Some of the clinicians in our practice are facility-based and eligible for facility-based measurement in 2019. Do we need to complete an application on their behalf to reweight their performance categories to 0%?**

You will not need to complete an application for facility-based MIPS eligible clinicians who have not submitted any data to MIPS or who have submitted data for one performance category. These clinicians will be covered by the automatic extreme and uncontrollable policy.

If any of your facility-based MIPS eligible clinicians have already submitted some data to MIPS for two or more performance categories, you would need to complete an extreme and uncontrollable circumstances application in order to reweight all four performance categories to 0%.

## **Our practice is facility-based at the group level and eligible for facility-based measurement in 2019. Do we need to complete an extreme and uncontrollable circumstances application on behalf of the group to reweight all four performance categories to 0%?**

To receive facility-based scoring in the MIPS Quality and Cost performance categories, the group must submit Improvement Activities and/or Promoting Interoperability data.

If your practice hasn't submitted any group-level data in either the Improvement Activities and/or the Promoting Interoperability performance categories, you do not need to complete an application. There is no requirement to participate and submit data as a group. Your individually eligible clinicians will be covered by the MIPS automatic extreme and uncontrollable circumstances policy unless they've submitted individual data on two (2) or more performance categories.



If your practice has submitted any group-level data in either of the Improvement Activities and/or the Promoting Interoperability performance categories, you would need to complete an application to reweight all four performance categories to 0%.

**Our practice was planning to participate in MIPS as a group, but we haven't submitted any data yet. Do we need to complete an extreme and uncontrollable circumstances application for our group?**

No. There is no requirement to participate and submit data as a group. Your individually eligible clinicians will be covered by the MIPS automatic extreme and uncontrollable circumstances policy unless they've submitted individual data on two (2) or more performance categories.

**Our small practice was automatically scored as a group for the Quality performance category because our clinicians reported Medicare Part B claims measures. Can we complete an extreme and uncontrollable circumstances application for our group?**

Yes. Small practices were automatically scored as a group in the Quality performance category when their clinicians reported Part B claims measures. If your small practice has a Quality score and is not able, or did not intend, to submit group data for additional performance categories, you should submit an extreme and uncontrollable circumstances application on behalf of the group to reweight all four performance categories.

**Our practice has already submitted some 2019 performance year data as a group. Do we need to complete an extreme and uncontrollable circumstances application?**

The extreme and uncontrollable circumstances application is an option to reweight all four performance categories for any group that:

- Will not be able to complete their data submission by April 30, 2020; AND
- Currently has a preliminary score below 30 points.

MIPS eligible clinicians in a group that meets these criteria and doesn't complete an extreme and uncontrollable circumstances application will be scored in all performance categories and could be subject to a negative payment adjustment.

If you complete an extreme and uncontrollable circumstance application on behalf of the group, this will not override data submitted by the individual MIPS eligible clinicians in the practice.

**We are participating in MIPS as a virtual group and will not able to start/complete our data submission by April 30<sup>th</sup>. Do we need to submit an extreme and uncontrollable circumstances application?**

Yes. The MIPS eligible clinicians in a virtual group will receive a final score and payment adjustment based on the data submitted – or not submitted – by the virtual group. If you are not able to submit data because of the COVID-19 pandemic, you must submit an application to reweight all four performance categories on behalf of the virtual group.



**We were approved for performance category reweighting due to extreme and uncontrollable circumstances that occurred during 2019. Can we update our application to cover all MIPS performance categories?**

If you were previously approved to have one or two MIPS performance categories reweighted and are now unable to submit data for any MIPS performance category due to the COVID-19 pandemic, please contact the Quality Payment Program. One of our representatives will be able to assist you with updating your existing application. Please note that our systems will not let you submit another application for the same TIN (group), TIN/NPI (individual), or virtual group ID.

## Frequently Asked Questions

### **What does the COVID-19 pandemic mean for the 2020 performance period?**

At this time, CMS hasn't issued guidance about the potential impact COVID-19 may have on participation in the Quality Payment Program for the 2020 performance period. We continue to monitor the developing COVID-19 event and will update our guidance accordingly.

### **Should we delete previously submitted 2019 performance year data if we won't be able to complete reporting, to get the neutral payment adjustment?**

No, but you can submit an extreme and uncontrollable circumstances application until April 30<sup>th</sup> if you are unable to complete your data submission.

### **How will the neutral payment adjustment assigned to all MIPS eligible clinicians who do not submit data affect the 2021 payment adjustment for those who do submit data?**

The MIPS automatic extreme and uncontrollable policy does not affect the Quality Payment Program's budget neutrality requirement. MIPS payment adjustments are required by law to be budget neutral. Generally stated, this means that the projected negative payment adjustments must be balanced by the projected positive payment adjustments. We understand that a lower than expected positive payment adjustment may be disappointing to those of you who were able to submit your data early, however it's critical that we support every clinician's ability to focus on caring for patients impacted by the COVID-19 pandemic.

### **What should I do if I am eligible for the MIPS automatic extreme and uncontrollable circumstances policy, but my performance feedback does not reflect the correct reweighting?**

If you believe that you qualified for the automatic extreme and uncontrollable circumstances policy but you do not see it reflected in your performance feedback for the 2019 performance period, you should submit a [targeted review](#) request during the 60 days following the release of the 2021 payment adjustment so that CMS can review your eligibility for this policy. 2019 final performance feedback is expected to be available summer 2020.



## **What happens if I am a MIPS eligible clinician covered by the automatic extreme and uncontrollable policy but still submit 2019 data?**

That depends on how many performance categories you submit data for:

- If you submit data for one performance category (or no data at all), you will receive a final score equal to the performance threshold and receive a neutral payment adjustment.
- If you submit data for 2 or 3 performance categories (Quality, Improvement Activities, and/or Promoting Interoperability), you will be scored on the performance categories for which you submitted data. Your payment adjustment will be determined by your final score.
- You will **not** be scored on the Cost performance category under the automatic extreme and uncontrollable circumstances policy.

## **What happens if I've submitted Medicare Part B claims during the performance year?**

When clinicians in a small practice report quality measures through Medicare Part B claims, we automatically calculate a Quality performance category score for the individual and for the group. If any of the clinicians in your practice reported Medicare Part B claims measures, you should submit an extreme and uncontrollable circumstances application on behalf of the group.

## **Where Can I Learn More?**

- [Quality Payment Program](#)
- [2019 PFS Final Rule](#)
- [CMS's Current Emergencies](#)

You can subscribe to the [QPP listserv](#) and you can also contact the Quality Payment Program at 1-866-288-8292, Monday through Friday, 8:00 a.m. - 8:00 p.m. Eastern Time or by email at: [QPP@cms.hhs.gov](mailto:QPP@cms.hhs.gov). Customers who are hearing impaired can dial 711 to be connected to a TRS Communications Assistant.

## **Version History**

Date	Change Description
4/3/2020	<p>Added information about extreme and uncontrollable circumstances application reopening as an option</p> <p>Added information about implications for facility-based clinicians</p> <p>Revised the question about Part B claims reporting to indicate that groups should submit an application</p> <p>Revised language to clarify that the automatic extreme and uncontrollable policy does not apply to group participation</p>
3/27/2020	Original posting

## Appendix A

The table below illustrates the 2019 performance category reweighting policies that CMS will apply for clinicians who qualify for the MIPS automatic extreme and uncontrollable circumstances policy but submit MIPS data as individuals.<sup>3</sup>

MIPS eligible clinicians who are automatically identified will have all 4 performance categories weighted at 0% and will receive a MIPS final score equal to the performance threshold, resulting in a neutral payment adjustment for the 2021 MIPS payment year. However, if automatically identified MIPS eligible clinicians submit data on 2 or more MIPS performance categories (Quality, Improvement Activities, and/or Promoting Interoperability) as an individual, they will be scored on those performance categories and receive a 2021 MIPS payment adjustment based on their 2019 MIPS final score.

Data Submitted	Quality Category Weight	Promoting Interoperability Category Weight	Improvement Activities Category Weight	Cost Category Weight	Payment Adjustment
No data	0%	0%	0%	0%	Neutral
Submit Data for One Performance Category					
Quality Only	100%	0%	0%	0%	Neutral
Promoting Interoperability Only	0%	100%	0%	0%	Neutral
Improvement Activities Only	0%	0%	100%	0%	Neutral
Submit Data for 2 Performance Categories					
Quality <b>and</b> Promoting Interoperability	75%	25%	0%	0%	Positive, Negative, or Neutral
Quality <b>and</b> Improvement Activities	85%	0%	15%	0%	Positive, Negative, or Neutral
Improvement Activities <b>and</b> Promoting Interoperability	0%	50%	50%	0%	Positive, Negative, or Neutral

<sup>3</sup> See 42 C.F.R. §414.1380

Data Submitted	Quality Category Weight	Promoting Interoperability Category Weight	Improvement Activities Category Weight	Cost Category Weight	Payment Adjustment
Submit Data for 3 Performance Categories					
Quality <b>and</b> Improvement Activities <b>and</b> Promoting Interoperability	60%	25%	15%	0%	Positive, Negative, or Neutral