

## The 2020 Merit-based Incentive Payment System (MIPS) Automatic Extreme and Uncontrollable Circumstances Policy

### 2019 Novel Coronavirus (COVID-19)

The 2019 Novel Coronavirus (COVID-19) pandemic public health emergency has affected all clinicians across the United States and territories. However, we recognize that not all practices have been affected by COVID-19 to the same extent and as such, COVID-19 is not considered a triggering event for the automatic extreme and uncontrollable circumstances policy for the 2020 MIPS performance year.

If the COVID-19 pandemic prevents you, your practice or your virtual group from collecting 2020 MIPS performance period data for an extended period of time, or could impact your performance on cost measures, you can submit an extreme and uncontrollable circumstances application through December 31, 2020, for reweighting of one or more MIPS performance categories.

For more information about submitting an extreme and uncontrollable circumstances application, please review the [2020 MIPS Exception Applications Fact Sheet](#). For additional information about the impact of COVID-19 on 2020 Quality Payment Program participation, please review the [Quality Payment Program \(QPP\) COVID-19 Response Fact Sheet](#).

For general information about our automatic extreme and uncontrollable circumstances policy and the specific natural disasters in 2020 that triggered this policy, please continue reading.

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We established an automatic extreme and uncontrollable circumstances policy beginning with the 2017 performance period for clinicians affected by natural disasters. Clinicians affected by these extreme and uncontrollable circumstances may have their performance categories reweighted or receive a neutral payment adjustment. This resource addresses the automatic extreme and uncontrollable circumstances policy as it applies to individual MIPS eligible clinicians for 2020 but does not address how this policy applies to MIPS eligible clinicians who participate in MIPS through their Alternative Payment Model (APM).

See the [FAQs](#) and [Appendix B](#) for CMS-designated areas that have been affected by an extreme and uncontrollable circumstance for the 2020 performance period.

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

The automatic extreme and uncontrollable circumstances policy applies to MIPS eligible clinicians who are located in a CMS-designated region that has been affected by an extreme and uncontrollable event (such as a [Federal Emergency Management Agency \(FEMA\) - designated major disaster](#)) during the 2020 MIPS performance period. For those clinicians, CMS aims to reduce your reporting burden by not requiring you to submit an application to reweight the performance categories under MIPS.

The automatic extreme and uncontrollable circumstances policy **does not apply to groups or virtual groups.**

- Groups that submit data will be scored according to existing MIPS scoring policies.
- Virtual groups (regardless of data submission) will be scored according to existing MIPS scoring policies.
- The payment adjustment associated with a group's or virtual group's final score will be applied to all MIPS eligible clinicians in the group or virtual group, including those who qualify for the automatic extreme and uncontrollable circumstances policy.

## How Does the Automatic Extreme and Uncontrollable Circumstances Policy Work?

We will identify MIPS eligible clinicians who are located in CMS-designated areas that have been affected by an extreme and uncontrollable circumstance based on the address associated with the clinician in the Provider Enrollment, Chain, and Ownership System (PECOS) which is the practice address displayed on the [QPP Participation Status Tool](#).

MIPS eligible clinicians who are automatically identified and subject to MIPS will have all four performance categories weighted at zero percent.

CMS makes every effort to accurately identify all clinicians who are eligible for this policy. **Clinicians should ensure that the practice address listed in PECOS is up to date and check their performance feedback on [qpp.cms.gov](http://qpp.cms.gov) to ensure the policy was correctly applied, as applicable.**

You will automatically receive a score equal to the performance threshold, which will result in a neutral payment adjustment (neither a positive nor a negative adjustment) for the 2022 MIPS payment year **unless**:

- You submit data for two or more MIPS performance categories (Quality, Improvement Activities, and/or Promoting Interoperability) as an individual;
  - Data submission by individual clinicians voids the zero percent performance category weight on a category-by-category basis.
- You are part of a group that submits data on behalf of its clinicians; or
- You are part of a virtual group.

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

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

## Frequently Asked Questions

### How do I know if I'm in an area designated by CMS as being affected by an extreme and uncontrollable circumstance?

We will communicate information about events that trigger the automatic extreme and uncontrollable circumstances policy through the QPP listserv updates. In addition, we will update this fact sheet to identify any new events or changes to previously identified events.


FEMA has issued an Emergency Disaster Declaration for the following designated areas listed on the FEMA website under sections Public Assistance PA-A and PA-B:

- Affected parishes and counties for [Hurricane Laura](#):
  - [Louisiana: DR-4559-LA](#)
- Affected counties for the [California Wildfires](#) and the [Oregon Wildfires](#)
  - [California: DR-4558-CA](#)
  - [Oregon: DR-4562-OR](#)

Additionally, once we identify new events, you can find information about designated disaster areas on the [FEMA designated disaster areas](#) page. Clinicians should monitor these pages for updates on designated disaster areas.

For a list of parishes and counties located in CMS-designated areas that have been affected by an extreme and uncontrollable circumstance, please see [Appendix B](#).

**Reminder:** We have not identified the COVID-19 pandemic as a triggering event for the automatic extreme and uncontrollable circumstances policy for the 2020 performance period. However, if the COVID-19 pandemic prevents you, your practice or your virtual group from



collecting 2020 MIPS performance period data for an extended period of time, or could impact your performance on cost measures, you can submit an extreme and uncontrollable circumstances exception application through December 31, 2020, for reweighting of one or more MIPS performance categories.

**What if I am part of a group or virtual group where some, but not all, clinicians are located in areas designated by CMS as affected by an extreme and uncontrollable circumstance?**

The automatic extreme and uncontrollable circumstances policy will only apply to individual MIPS eligible clinicians located in the designated area. CMS will assign a weight of zero percent in the MIPS final score, resulting in a neutral payment adjustment for the 2022 MIPS payment year to MIPS eligible clinicians located in the designated area(s), unless your group submits data on your behalf or you are part of a CMS-approved virtual group during the 2020 submission period.

A group that chooses to submit data at the group level for the 2020 performance period will be scored as a group according to the existing and applicable 2020 MIPS scoring policies. All CMS approved virtual groups will be scored as a virtual group according to existing 2020 MIPS scoring policies.

Since the automatic extreme and uncontrollable circumstances policy does not apply outside of FEMA designated areas, groups and virtual groups can complete an extreme and uncontrollable circumstance application if the extreme and uncontrollable circumstance impacts their ability to collect data, at a group or virtual group level, for a specific MIPS performance category.

**What should I do if I am eligible for the 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, you should submit a targeted review. Targeted reviews can be requested for 60 days following the release of the 2022 payment adjustment in your 2020 performance feedback.

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

It depends on how many performance categories you submit data for, as an individual.

- 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 two or three 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 prior to a triggering event for the automatic extreme and uncontrollable circumstances policy?**

If a MIPS eligible clinician in a small practice reports via Medicare Part B claims collection type for the Quality performance category, and we receive data for the clinician prior to a triggering event for the automatic extreme and uncontrollable circumstances policy, their Medicare Part B claims data would only contribute to their individual final score if they also submit data for either the Promoting Interoperability or the Improvement Activities performance categories as individuals.

Please note that when clinicians report Medicare Part B Claims measures, we automatically calculate a score for the Quality performance category at the individual and group level.

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

- [Quality Payment Program website](#)
- [2020 Physician Fee Schedule \(PFS\) Final Rule](#)
- [Federal Emergency Management Agency \(FEMA\) Designated Disaster Areas webpage](#)
- [CMS's Emergency Preparedness and Response webpage](#)
- [2020 Quality Payment Program \(QPP\) Exception Applications Fact Sheet](#)
- [Quality Payment Program – COVID-19 Response Fact Sheet](#)

To receive Quality Payment Program information and updates, you can subscribe to the [Quality Payment Program listserv](#). You can also contact the Quality Payment Program at 1-866-288-8292, Monday through Friday, 8 a.m. – 8 p.m. ET 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 Table**

If we need to update this document, changes will be identified here.

Date	Change Description
11/04/2020	Original posting



## Appendix A

The table below illustrates the 2020 MIPS performance category reweighting policies that CMS will apply to clinicians under the MIPS automatic extreme and uncontrollable circumstances policy, including those that submit MIPS data as individuals.<sup>1</sup>

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
<b>Submit Data for One Performance Category</b>					
Quality Only	100%	0%	0%	0%	Neutral
Promoting Interoperability Only	0%	100%	0%	0%	Neutral
Improvement Activities Only	0%	0%	100%	0%	Neutral
<b>Submit Data for Two Performance Categories</b>					
Quality <b>and</b> Promoting Interoperability	70%	30%	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%	85%	15%	0%	Positive, Negative, or Neutral
<b>Submit Data for Three Performance Categories</b>					
Quality <b>and</b> Improvement Activities <b>and</b> Promoting Interoperability	55%	30%	15%	0%	Positive, Negative, or Neutral

<sup>1</sup> See §414.1380.

## Appendix B

The tables below list the affected parishes and/or counties located in a CMS-designated region affected by an extreme and uncontrollable event during the 2020 MIPS performance period. (This information is current as of the most recent date in the version history table and may not reflect changes that have already been identified on the FEMA pages linked above.)

<b>Hurricane Laura - <a href="#">Louisiana Parishes- DR-4559-LA</a></b>		
<ul style="list-style-type: none"> <li>• Acadia</li> <li>• Allen</li> <li>• Ascension</li> <li>• Assumption</li> <li>• Avoyelles</li> <li>• Beauregard</li> <li>• Bienville</li> <li>• Bossier</li> <li>• Caddo</li> <li>• Calcasieu</li> <li>• Caldwell</li> <li>• Cameron</li> <li>• Catahoula</li> <li>• Claiborne</li> <li>• Concordia</li> <li>• De Soto</li> <li>• East Baton Rouge</li> <li>• East Carroll</li> <li>• East Feliciana</li> <li>• Evangeline</li> <li>• Franklin</li> <li>• Grant</li> </ul>	<ul style="list-style-type: none"> <li>• Iberia</li> <li>• Iberville</li> <li>• Jackson</li> <li>• Jefferson</li> <li>• Jefferson Davis</li> <li>• La Salle</li> <li>• Lafayette</li> <li>• Lafourche</li> <li>• Lincoln</li> <li>• Livingston</li> <li>• Madison</li> <li>• Morehouse</li> <li>• Natchitoches</li> <li>• Orleans</li> <li>• Ouachita</li> <li>• Plaquemines</li> <li>• Pointe Coupee</li> <li>• Rapides</li> <li>• Red River</li> <li>• Richland</li> <li>• Sabine</li> </ul>	<ul style="list-style-type: none"> <li>• St. Bernard</li> <li>• St. Charles</li> <li>• St. Helena</li> <li>• St. James</li> <li>• St. John the Baptist</li> <li>• St. Landry</li> <li>• St. Martin</li> <li>• St. Mary</li> <li>• St. Tammany</li> <li>• Tangipahoa</li> <li>• Tensas</li> <li>• Terrebonne</li> <li>• Union</li> <li>• Vermilion</li> <li>• Vernon</li> <li>• Washington</li> <li>• Webster</li> <li>• West Baton Rouge</li> <li>• West Carroll</li> <li>• West Feliciana</li> <li>• Winn</li> </ul>

<b>California Wildfire – California Counties - <a href="#">DR-4558-CA</a></b>		
<ul style="list-style-type: none"> <li>• Butte</li> <li>• Lake</li> <li>• Lassen</li> <li>• Monterey</li> <li>• Napa</li> <li>• Nevada</li> </ul>	<ul style="list-style-type: none"> <li>• Plumas</li> <li>• San Mateo</li> <li>• Santa Clara</li> <li>• Santa Cruz</li> <li>• Sierra</li> <li>• Solano</li> </ul>	<ul style="list-style-type: none"> <li>• Sonoma</li> <li>• Trinity</li> <li>• Tuolumne</li> <li>• Yolo</li> <li>• Yuba</li> </ul>

**Oregon Wildfire – Oregon Counties - [DR-4562-OR](#)**

<ul style="list-style-type: none"><li>• Benton</li><li>• Clackamas</li><li>• Columbia</li><li>• Coos</li><li>• Deschutes</li><li>• Douglas</li><li>• Jackson</li></ul>	<ul style="list-style-type: none"><li>• Jefferson</li><li>• Josephine</li><li>• Klamath</li><li>• Klamath TDSA</li><li>• Lake</li><li>• Lane</li><li>• Lincoln</li><li>• Linn</li></ul>	<ul style="list-style-type: none"><li>• Marion</li><li>• Multnomah</li><li>• Tillamook</li><li>• Wasco</li><li>• Washington</li><li>• Yamhill</li></ul>
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