May 21, 2013

Submitted Electronically

Marilyn Tavenner
Administrator
Centers for Medicare & Medicaid Services
Attention: CMS-1454-P
P.O. Box 8013
Baltimore, MD 21244-8013

RE: CMS-1454-P Medicare Program; Physicians’ Referrals to Health Care Entities With Which They Have Financial Relationships: Exception for Certain Electronic Health Records Arrangements; Proposed Rule (Federal Register, Vol. 78, No. 69, April 10, 2013)

Dear Ms. Tavenner:

The Kansas Hospital Association, on behalf of its 127 community hospitals, wishes to voice its support for the proposed rule that would extend the regulatory protections under the federal physician self-referral or Stark law for hospitals that want to provide assistance to physicians in adopting certain health information technology (IT). We agree with the agency’s decision to extend the protections, which were scheduled to expire at the end of this year, for at least another three years until Dec. 31, 2016.

We support the enumerated statements presented to you by the American Hospital Association including the position that regulatory protections provided under this proposed rule should be made permanent.

Kansas hospitals want to support physicians who may be reluctant to embrace EHRs and other technology related to the use and sharing of electronic data. This support can occur through providing both technical and financial assistance to those physicians who may be constrained due to limited resources. The final rule should continue to include all hospitals and health systems within the scope of donors protected by the regulations and eligible to provide assistance to physicians to support these important efforts. We also support the decision to eliminate the requirement that donated technology must include electronic prescribing capability at the time it is provided to the recipient.

We thank you for the opportunity to express our views on these important issues. If you have questions, or need additional information, please do not hesitate to contact me at 785-233-7636.

Sincerely,

Tom Bell
President and CEO