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November 2, 2017

President Donald J. Trump
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Dear President Trump,

I am asking you to direct Seema Verma, the director of the Centers for Medicare and Medicaid Services (CMS), to amend § 424.535(a)(8), an Obama-era rule which has crushed doctors across the country. This rule is a prime example of government overreach and overregulation, which I know you are working diligently to correct.

The current rule, particularly section (ii), is being interpreted in a way that punishes doctors for minor errors without warning and without consideration. Specifically, this rule is being interpreted in a way that does not allow healthcare providers to fix minor errors before disciplinary action is taken. These minor errors in clerical processes can even cost some communities access to quality healthcare.

A possible example of this rule being misapplied concerns a small town doctor named Dr. Bryan Merrick. Dr. Merrick, a physician in McKenzie, a small West Tennessee town, is facing the possibility of a suspend license over a \$670.00 clerical error. Despite 99.9% of his claims being filed correctly, 0.01% of his claims are causing him to be denied reimbursement from CMS for seeing Medicare and Medicaid patients. Despite what appears to me a minor error, he is being accused of fraud. In fact, CMS plans to suspend Dr. Merrick's reimbursements for three years, likely forcing him to lay off workers or go out of business if this rule is not amended over this error.

CMS themselves said on-record in a 2014 meeting that this rule is "only intended to address the most severe of situations." But, cases like Dr. Merrick's pop up across the country on a regular basis where regulators are overreaching and attacking those with what could only be described as minor violations. CMS is overreaching with their own rule-- they should not be using their power to go after \$670 worth of minor errors. This rule should be used for severe offenses, as the rule was originally written.

As part of my own research into this problem, I consulted with the Nashville law firm of Cornelius & Collins, LLP to provide me with a legal perspective of this rule and how it is being applied. I have attached a copy of their report for you and your team's use. As you will read, the

are many issues of overreach that appear to have occurred with Dr. Merrick, including CMS misapplying the rule in general.

This just goes to show how out of touch some of these regulators are-- they don't think of repercussions of their actions. Nor does it appear they care about the patients, especially those in small towns where access to physicians are already limited and restrained due to Obamacare.

Several suggestions for an amendment to this rule have been made, including CMS taking into account the severity of offense, CMS issuing a warning before suspension to allow for corrective action or even granting a grace period during times in which new coding and clerical standards are issued.

Thank you for your consideration into this matter, Mr. President. An amendment to this rule will go a long way in helping patients continue to receive care from their healthcare providers across the United States of America.

Respectfully Yours,

George Flinn, MD