2023 Pre-Rulemaking Kick-off Question & Answer Summary

Measure Submissions

- If you wanted to start to submit a measure now, can you save that measure and come back and edit that measure later, before the submission period ends in May?
  - Yes, you may save your progress in CMS MERIT and continue to work until you are ready to submit the measure. The [MERIT Quick Start Guide, found on the Measures Management System Hub Pre-Rulemaking Resources webpage,](#) is a helpful resource for understanding the functionality of MERIT.

- Do all of the data fields need to be completed in CMS MERIT to submit a measure?
  - All required data fields must be completed to successfully submit a measure. Red asterisks indicate required fields.

- Does the 2023 MUC template align with the updated MERIT tool?
  - Yes, the updated [MERIT Data Template](#) content aligns with CMS MERIT; however, CMS MERIT is an interactive tool, so some questions or fields may appear in a different order than those on the template.

- Who can submit measures for consideration?
  - Anyone can submit measures for consideration. To request an account, visit https://cmit.cms.gov/cmit/#/RequestAccount. The CMS [Pre-Rulemaking Guidance for Measure Submitters](#) webpage, found on the Measures Management System Hub, discusses the requirements and steps for measure submission.

- How is data validated?
  - CMS and its contractors conduct quality reviews of the data submitted to CMS MERIT and evaluate the information in multiple stages. CMS and its contractors may reach out to measure submitters during the measure review process to confirm or clarify submitted information.

Endorsement

- Can you comment on the new consensus-based entity now that NQF is transitioning out of that role? Is Battelle now endorsing measures for CMS?
  - Effective March 27, 2023, Battelle Memorial Institute will serve as the contracted consensus-based entity (CBE) for CMS. The CBE Team and the Measures Management System (MMS) Team, which facilitated this webinar, are managed separately. The CBE is required to establish a process for endorsement and maintenance of quality measures. For more information and continued updates on the transition of CBE processes, you may visit the CBE's website, [Partnership for Quality Measurement](#).

Measure Testing

- Can I submit a measure that has not gone through patient- or encounter-level testing?
    - CMS will evaluate measures at all stages of development, but fully developed measures are preferred.
    - A fully developed measure means the measure developer has completed:
        - Person/encounter-level testing, when appropriate, for each critical data element and the measure specifications do not need changes based on the results.
        - Reliability testing, when appropriate, at the accountable entity level and the measure specifications do not need changes based on the results.
        - Empiric validity testing, when appropriate, at the accountable entity level and measure specifications do not need changes based on the results.
        - Completion of face validity testing as the sole type of validity testing does not meet the criteria for fully developed. However, face validity is acceptable for new measures (i.e., those not currently in use in CMS programs and undergoing substantive changes) only.
    - Additional information on CMS's definition of a fully developed measure is available on the [CMS MMS Hub](#). Measures that are contingent on government agency guidance or policy implementation, may be included on the MUC List without being fully developed. Previous examples of these types of measures, include such as "Drug Regimen Review" from the IMPACT Act of 2014 or the "Adult COVID-19 Vaccination Status" from the COVID-19 Public Health Emergency.

- Is data element testing required for ALL measures submitted to Call for Measures (claims, registry, eCQMs)?
    - CMS will consider measures submitted at all stages of development, but fully developed measures are preferred.
    - Although, data element testing (now referred to as patient/encounter-level testing) is not required for a submission to CMS MERIT, it is required for your measure to be considered fully developed. Testing data is required for a measure to be considered fully developed. By CMS definition, a measure is fully developed when the measure developer has completed:
        - Person/encounter-level testing, when appropriate, for each critical data element and the measure specifications do not need changes based on the results.
        - Reliability testing, when appropriate, at the accountable entity level and the measure specifications do not need changes based on the results.
        - Empiric validity testing, when appropriate, at the accountable entity level and measure specifications do not need changes based on the results.
        - Completion of face validity testing as the sole type of validity testing does not meet the criteria for fully developed. However, face validity is

acceptable for new measures (i.e., those not currently in use in CMS programs and undergoing substantive changes) only.

- o Additional information on CMS's definition of a fully developed measure is available on the [CMS MMS Hub](#).

- If a measure is submitted without complete testing results, what is the process for providing updates to the MUC submission with measure testing results?
  - o Measure submitters should submit their most up to date and complete measure testing results prior to the closing of CMS MERIT by **8:00 PM ET on Friday, May 19**. There is no option for submitters to update measure testing information in MERIT once the submission period has closed. Updated testing data for select measures will be requested per CMS in the fall.

- If a measure developer has testing results that meet the "fully developed" definition and submits by the May deadline, but would like to update the testing results with additional sites to bolster results beyond May (assuming no specification changes), is that allowed?
  - o Measure submitters may not submit additional testing data in MERIT after the submission deadline has passed. Updated testing data for select measures will be requested per CMS in the fall.

Pre-Rulemaking Timeline

- Is the December 1st release of the Measures Under Consideration (MUC) List to multistakeholder group review mandated by legislation or can CMS release it sooner, providing more time for review?
  - o The Social Security Act requires that the MUC List be publicly available, no later than December 1, annually.

- When can stakeholders comment on rulemaking MUC Lists?
  - o Interested parties may provide comment on measures under consideration during the CBE public comment period. Interested parties may also comment on proposed rules for specific programs in the Federal Register prior to rulemaking. Timelines for release of proposed rules and public comment periods will vary by program. As opportunities for public comment become available, information will be posted on CMS MMS Hub: https://mmshub.cms.gov/get-involved/public-comments/overview.

- Can you enter information for the 2024 year after MERIT closes on May 19?
  - o No. Measure submitters should stay tuned for announcements about when MERIT will open for the 2024 season. Typically, MERIT opens in late January.