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Health and Government
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Minority Health
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Dear Members of the Meaningful Use Work Group,

I applaud your efforts to move advance directives from a menu item to a core objective for eligible hospitals, and to introduce them as a menu item for eligible providers, in Meaningful Use Stage 3. As our nation continues to digitize healthcare, it is crucial that we protect patient voices – not patient data, patient voices – and advance directives are a critical element in that process.

As you consider your final recommendations to be made to CMS leadership who will prepare the NPRM for Meaningful Use Stage 3, I would strongly urge you to finally do away with the 'upload/store an advance directive' functionality and require certified EHRs to provide a link to the patient's actual advance directive. The current 'upload/store' requirement represents technology that has existed for decades, it does not 'raise the bar' with respect to healthcare, and it perpetuates a paper-based advance directives structure that has not worked since it was first introduced more than 40 years ago. We can do better than that.

Technology already exists to support the embedding of a dynamic, persistent and highly secure link into an EHR using well-accepted standards and the C-CDA architecture. It was successfully demonstrated to the HIT Standards Committee in a meeting held on January 24, 2014. With Stage 3 Meaningful Use rules not coming into force until 2017, EHR vendors and providers will have ample time to incorporate such technology into their EHRs, so the barriers and obstacles to adoption are low.

Again, I/we applaud your efforts to protect the voices of American citizens who are the most vulnerable members of our society, those who cannot communicate with their healthcare providers. Thank you for your consideration of this request to 'do better' when it comes to advance directives.

Respectfully submitted,

A handwritten signature in cursive script that reads "Dan Morhaim".

Dan K. Morhaim, M.D.