

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

STATE OF MISSISSIPPI, *et al.*,

Plaintiffs,

v.

ROBERT F. KENNEDY, JR., in his official
capacity as Secretary of Health and Human
Services, *et al.*,

Defendants.

Civil Action No. 1:22-cv-00113-HSO-RPM

NOTICE OF SUSPENSION OF IMPROVEMENT ACTIVITY

Defendants respectfully submit this Notice to inform the Court that on May 6, 2025, the Centers for Medicare & Medicaid Services (CMS) announced the suspension of eight Merit-based Incentive Payment System improvement activities for the 2025 performance year, including the improvement activity at issue in this action, IA_AHE_8, Create and Implement an Anti-Racism Plan. *See* Exhibit A.¹ The announcement stated that CMS “intend[s] to propose removing these improvement activities in future rulemaking.” The announcement also informed clinicians that they should “select other improvement activities to complete” for the 2025 performance year, but stated that clinicians would be able to receive credit if they had already completed or were in the process of completing a suspended improvement activity before the suspension announcement was made. *Id.* Defendants intend to confer with Plaintiffs regarding next steps in this action.

¹ The announcement can also be accessed through the Quality Payment Program Resource Library, “Improvement Activities Suspension Announcement,” (May 6, 2025), available at: <https://qpp.cms.gov/resources/resource-library>.

Dated: May 6, 2025

Respectfully submitted,

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/s/ Alexander W. Resar
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Quality Payment PROGRAM



Suspension of Eight Improvement Activities for the Merit-based Incentive Payment System (MIPS)

The Centers for Medicare & Medicaid Services (CMS) is suspending eight improvement activities for the 2025 performance year (PY) in accordance with the Merit-based Incentive Payment System (MIPS) Improvement Activities Suspension Policy finalized in the CY2021 Physician Fee Schedule (PFS) final rule (86 FR 65465). We intend to propose removing these improvement activities in future rulemaking.

Table 1: MIPS Improvement Activities Suspended for PY 2025

Activity ID	Activity Name
IA_AHE_5	MIPS Eligible Clinician Leadership in Clinical Trials or CBPR
IA_AHE_8	Create and Implement an Anti-Racism Plan
IA_AHE_9	Implement Food Insecurity and Nutrition Risk Identification and Treatment Protocols
IA_AHE_11	Create and Implement a Plan to Improve Care for Lesbian, Gay, Bisexual, Transgender, and Queer Patients
IA_AHE_12	Practice Improvements that Engage Community Resources to Address Drivers of Health

Activity ID	Activity Name
IA_PM_6	Use of Toolsets or Other Resources to Close Health and Health Care Inequities Across Communities (Use of toolset or other resources to close healthcare disparities across communities)
IA_ERP_3	COVID-19 Clinical Data Reporting with or without Clinical Trial
IA_PM_26	Vaccine Achievement for Practice Staff: COVID-19, Influenza, and Hepatitis B

Clinicians should select other improvement activities to complete. However, if any of the suspended improvement activities have already been completed or were in the process of being completed, clinicians will still be able to attest to completing them and receive credit. Please review the [2025 Improvement Activities Inventory](#) for available improvement activities.

Visit the [QPP website](#) for more information.

Please Note: CMS is in the process of updating all related resources (i.e. guides, factsheets, webpages, etc.), including the Explore Measures and Activities tool, to indicate these improvement activities have been suspended for PY 2025.