

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

AMBER COLVILLE, *et al.*,

Plaintiffs,

v.

XAVIER BECERRA, in his official capacity  
as Secretary of Health and Human Services,  
*et al.*,

Defendants.

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

**DEFENDANTS' ERRATA**

Herewith please find the attachment to the Declaration of Aucha Prachanronarong (ECF No. 47-1), which was inadvertently omitted from that filing. *See* Ex. 1 hereto.

Dated: December 16, 2022

Respectfully submitted,

BRIAN M. BOYNTON  
Principal Deputy Assistant Attorney General  
Civil Division

MICHELLE BENNETT  
Assistant Director, Federal Programs Branch

/s/ Carol Federighi  
CAROL FEDERIGHI  
Senior Trial Counsel  
United States Department of Justice  
Civil Division, Federal Programs Branch  
P.O. Box 883  
Washington, DC 20044  
Phone: (202) 514-1903  
Email: carol.federighi@usdoj.gov

*Counsel for Defendant*

**Dr. Amber Colville (of Ocean Springs, Mississippi) /Organization Name – New Wave Internal Medicine Clinic, PLLC**

- Dr. Colville has been a MIPS Eligible Clinician from 2017 – 2021
- Participated as an individual and met definition of “small practice” from 2017-2021

	<b>Calendar Year 2017 Performance Period/2019 MIPS Payment Year</b>	<b>Calendar Year 2018 Performance Period/2020 MIPS Payment Year</b>	<b>Calendar Year 2019 Performance Period/2021 MIPS Payment Year</b>	<b>Calendar Year 2020 Performance Period/2022 MIPS Payment Year</b>	<b>Calendar Year 2021 Performance Period/2023 MIPS Payment Year</b>
<b>Final Score</b>	100	95.6	87.1  **Did not have the MIPS automatic EUC policy applied because there was data submitted for more than one performance category	78.8  ** Did not have the MIPS automatic EUC policy applied because there was data submitted for more than one performance category	MIPS Automatic EUC policy was in effect for individual MIPS eligible clinicians that did not submit data.  No CY 2021 performance period data is publicly available at this time.
<b>Improvement Activities</b>	40pts (15%)	40pts (15%)	40pts (15%)	40pts (15%)	
	CMS did not make any information on improvement activities reported for the 2017 performance period publicly available.	<b>IA_EPA_1</b> Provide 24/7 Access to MIPS Eligible Clinicians or Groups Who Have Real-Time Access to Patient's Medical Record	<b>IA_EPA_1</b> Provide 24/7 Access to MIPS Eligible Clinicians or Groups Who Have Real-Time Access to Patient's Medical Record	<b>IA_EPA_1</b> Provide 24/7 Access to MIPS Eligible Clinicians or Groups Who Have Real-Time Access to Patient's Medical Record	

<b>Quality</b>	100pts (60%)	85.4pts (50%)	93.1 (60%)	76.4pts (55%)	
<b>Promoting Interoperability</b>	100pts (25%)	100pts (25%)	59pts (25%)	64pts (30%)	
<b>Cost</b>	N/A – cost performance category was weighted at 0%	63.1pts (10%)	N/A – cost performance category was reweighted to 0%	N/A – cost performance category was reweighted to 0%	