

COA Report

For COA Members!

Orthopaedic Alerts

California Orthopaedic Association

TO: COA Members

Medicare News - UPDATE

Meaningful Use Hardship Exemption Applications Now Available

Deadline: **March 15, 2016**

Because the Centers for Medicare and Medicaid Services (CMS) finalized their regulations for Stage 2 Meaningful Use on October 16, 2015 – less than 90 days from the end of 2015 – it is possible for physicians to file for a Meaningful Use Hardship Exemption if they are unable to comply with the Stage 2 requirements for 2015.

S 2425 – the Patient Access and Medicare Protection Act was passed by Congress and signed into law in December, 2015 which authorized CMS to grant hardship exemptions to physicians, hospitals and other affected providers for 2015 who are unable to comply with the Stage II Meaningful Use requirements due to the lateness of when CMS finalized the regulation. CMS can only grant the hardship exemption if physicians apply for the exemption.

CMS instructions and application for the hardship exemption for single and multiple eligible providers are now available: https://www.cms.gov/Regulations-and-Guidance/Legislation/EHRIncentivePrograms/paymentadj_hardship.html

Go to section 2.2 Extreme and Uncontrollable Circumstances and check 2.2d EHR Certification/Vendor Issues

If you read this exemption carefully, you will see the exemption based on “issues related to insufficient time to make changes to the CEHRT to meet CMS regulatory requirements for reporting in 2015.”

The deadline to apply for the exemption for providers is **March 15, 2016**.

Filing for an exemption, does not preclude physicians from receiving an incentive payment if they end up meeting the meaningful use requirements for 2015. But applying for an exemption can serve as a safety net and possibly help to avoid a penalty in 2017, should you not be able to comply. CMS EHR help desk also advised that even if you did not qualify for Stage 1 of Meaningful Use, you can still apply for the 2015 exemption.

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News Updates

Visit the CMS EHR Incentive Programs Website for More Information

Today, CMS launched important changes to the Medicare EHR Incentive Program hardship exception process that will reduce burden on clinicians, hospitals, and critical access hospitals (CAHs). These changes are a result of recent Medicare legislation – the Patient Access and Medicare Protection Act (PAMPA), Pub. L. No. 114-115 – and our ongoing efforts to improve the program.

CMS has posted new, streamlined hardship applications, reducing the amount of information that eligible professionals (EPs), eligible hospitals, and CAHs must submit to apply for an exception. The new applications and instructions for a hardship exception from the Medicare Electronic Health Records Incentive Program 2017 payment adjustment are [available here](#).

This new, streamlined application process is the result of PAMPA, which established that the Secretary may consider hardship exceptions for “categories” of EPs, eligible hospitals, and CAHs that were identified on CMS’ website as of December 15, 2015. Prior to this law, CMS was required to review all applications on a “case-by-case” basis.

Importantly, EPs, eligible hospitals, and CAHs that wish to use the streamlined application must submit their application according to the timeline established in PAMPA:

- Eligible Professionals: March 15, 2016
- Eligible Hospitals & CAHs: April 1, 2016

Please note: CAHs should use the form specific for the CAH hardship exceptions related to an EHR reporting period in 2015. CAHs that have already submitted a form for 2015 are not required to resubmit.

In addition, we have heard from stakeholders that they would like a more efficient approach for submitting applications from *groups of providers*. Following Congress’ efforts in PAMPA, we

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have reviewed our administrative authorities and determined that *groups of providers* may apply for a hardship exception on a *single* application. Under the group application, multiple providers and provider types may apply together using a single submission. The hardship exception categories are the same as those applicable for the individual provider application.

Providers will have the option to submit an electronic file (in excel or csv formats) with all National Provider Identifiers (NPIs) or CMS Certification Numbers (CCNs) for providers within the group or use a multiple NPI or CCN form to submit their application. In addition, facilities which include both inpatient and outpatient settings may include both the individual NPIs for any eligible professionals and the CCN for the eligible hospitals and CAHs on the same single submission for their organization.

We look forward to further simplifying and continuing to improve the EHR Incentive Programs in collaboration with the provider community and Congress



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