

**Important Update for Nurse Practitioners:
You may be able to avoid Medicare eRx Penalties
Application Deadline is November 1, 2011**

CMS announced that, beginning in 2011, nurse practitioners and other eligible professionals in Medicare Part B who (between January and June 2011) did not write at least 10 Medicare electronic prescriptions may be subject to a 2012 eRx payment adjustment on their future Medicare Part B Physician Fee Schedule (PFS) covered professional services. That 2012 eRx payment adjustment is a 1% across the board cut in Medicare Part B allowances. (No APRNs other than NPs are included in this program.)

The penalties only apply to those NPs who directly bill Medicare Part B. Those NPs, however, are exempt if they provided fewer than 100 primary care patient visits from January to June 2011. (The specific covered CPT codes are listed at <http://www.nursingworld.org/npdirectbillupdate>.) NPs are exempt if the Medicare Part B allowances for those primary care services represented less than 10% of their total Part B allowances. NPs who were successful electronic prescribers are also exempt: again, successful e-prescribers recorded at least 10 Medicare electronic prescriptions between January and June 2011 using the special HCPCS code, G8553 on a Part B claim form. That code signifies that at least one prescription created during the encounter was generated and transmitted electronically using a qualified eRx system.

CMS originally offered three specific exemptions for providers: a) without prescribing authority; b) who did not have access to high speed Internet services; or c) who were located in areas where there were insufficient numbers of pharmacies that could accept e-prescriptions. On June 1, 2011 CMS proposed changes to the program (in part in response to concerns expressed by ANA and other professional organizations of clinicians). Those proposed rules officially became final on September 6, 2011. CMS added new hardship exemption categories as follows:

1. CMS expanded the definition of a “qualified” eRx system to include Certified EHR Technology.
2. CMS added significant hardship exemptions from the 2012 eRx payment adjustment:
 - a) Eligible professionals who register to participate in the 2011 Medicare or Medicaid EHR Incentive Program and adopt certified EHR technology;
 - b) Inability to electronically prescribe due to local, state, or federal law or regulation (e.g., controlled substances);
 - c) Limited prescribing activity—defined as having written fewer than 10 Medicare prescriptions between January 1 and June 30, 2011. (For 2012 the limited activity exemption will allow up to 100 Medicare prescriptions from January through June.); or
 - d) Insufficient opportunities to report the electronic prescribing measure (due to limitations in the measure’s denominator).

New hardship exemptions 2c) and 2a) should be of particular interest to NPs. With respect to limited prescribing activity [2c)] ANA has heard from a number of NPs (and other APRNs) who do not prescribe for Medicare or other patients even though they may have prescriptive authority. CMS added this exemption in part because of a complaint from ANA that NPs might be penalized for not doing electronically what they were not doing at all. The limited prescribing activity exemption will help the non-prescribing NPs of 2011 and some others who basically prescribe about once per month. Next year’s threshold for limited prescribing may be more realistic for NPs who may write two or three Medicare prescriptions per week but without pharmaceuticals being a major aspect of their practice.

The exemption for Medicaid EHR participation [2a)] may be particularly useful for NPs regardless of their Medicare prescribing activity from January to June 2011. NPs who are registered for a Medicaid EHR bonus and have acquired ONC certified software are eligible to request this exemption regardless of their Part D activity (http://www.cms.gov/EHRIncentivePrograms/25_Certification.asp#TopOfPage and

chpl.force.com/ehrcert). This includes NPs who have been using eRx for Medicare patients but who did not record those electronic prescriptions on their relevant Part B claims. 23 States opened for Medicaid EHR registration prior to September 5, 2011, with several more to open before 2012. The 2011 Medicaid requirement is to adopt, implement or upgrade EHR systems. There is no Medicaid requirement for providers to demonstrate meaningful use in the provider's 1st participation year. However, to qualify for the Medicare hardship exemption an NP must have registered and adopted certified software no later than October 1, 2011. (Although the CMS language refers to both the Medicare and Medicaid EHR Incentive Programs, Congress established the Medicare EHR program for physicians only. There is no Medicare EHR program for any APRNs. The rules did establish that eligible professionals could participate in one but not both incentive programs, and the monetary rewards in the Medicaid EHR Incentive Program are higher than those in Medicare.)

CMS indicated that questions regarding use of the web-based tool may be directed to the Quality Net Help Desk. The CMS-3248-F 49 Quality Net Help Desk's may be contacted via telephone at 1-866-288-8912 or via email at Qnetsupport@sdps.org. Further information on the QualityNet Help Desk is available at https://www.cms.gov/ERxIncentive/11_HelpDeskSupport.asp#TopOfPage.

On September 6, 2011 CMS finalized the following process to request a significant hardship exemption from the 2012 eRx payment adjustment under any of the categories (including multiple categories, if applicable). The information to be provided by applicant NPs includes:

- Identifying information which include the TIN, NPI, name, mailing address, and e-mail address of all affected eligible professionals.
- The significant hardship exemption category(ies) that apply.
- A justification statement describing how compliance with the requirement for being a successful electronic prescriber for the 2012 eRx payment adjustment during the reporting period would result in a significant hardship to the eligible professional or group practice (as was previously described).
- An attestation of the accuracy of the information provided.

Individual eligible professionals must submit significant hardship exemption requests using a Web-based tool only. Applications for the 2012 exemption are due by **November 1**. Information on how to access the Web-based tool as well as detailed instructions for applying for a significant hardship exemption is available on the eRx Incentive Program website at <http://www.cms.gov/erxincentive/>. On September 7th the agency posted an on-line application for eligible professionals to apply for the exemption. The on-line application is available directly at https://www.qualitynet.org/portal/server.pt/community/communications_support_system/234.

The slide below is a screen image that one will encounter at the beginning of the online application process. (Depending on one's computer monitor, you might have to scroll left to right or up and down to view all of the required fields.) In order to complete the application one will have to complete all of the required fields. (You should have this information with you prior to starting your application.) The required fields include:

Legal business name (as enrolled in PECOS)

Taxpayer Identification Number (TIN)

National Provider Identifier (NPI)

Email address

Name

Address

Phone Number

And for those NPs who adopted Certified EHR technology and registered for the 2011 Medicaid EHR Incentive Programs you must also supply:

Registration ID #

ONC Certification #

Welcome, PQRIGuest Log In Help Search: Everywhere

U.S. Department of Health & Human Services
CMS Centers for Medicare & Medicaid Services

Communication Support Page

User Information

Legal Business Name (as enrolled in PECOS)*:

TIN (Last 4 digits)*: NPI*:

Email*: Confirm Email*:

Contact Information (Requestor)

First Name*: M.I.: Last Name*:

Address 1*: Address 2:

City*: State*:

Phone*: Zip Code*:

Ext: Requestor Relationship*:

Request NPI Level Feedback Report

Program Year: PQRS Feedback Report eRx Feedback Report eRx Payment Adjustment Feedback Report

Request Hardship Exemption (Select one AND complete Justification for Hardship Exemption)

I registered to participate in the Medicare or Medicaid EHR Incentive Programs for 2011 and have adopted Certified EHR technology
Registration ID # ONC Certification #

I have an inability to electronically prescribe due to local, State, or Federal law or regulation

I have limited prescribing activity

I had insufficient opportunities to report the electronic prescribing measure

I practice in a rural area without sufficient high speed Internet access

I practice in an area without sufficient available pharmacies for electronic prescribing

Justification for Hardship Exemption (required if submitting a hardship exemption):
Maximum of 250 words or 1,000 characters

User Agreement

I do hereby attest that this information is true, accurate, and complete to the best of my knowledge. I understand that any falsification, omission, or concealment of any material fact may subject me to administrative,

I accept User Agreement*