



New CMS guidance and FAQs on switching Electronic Health Records vendors

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The Centers for Medicare & Medicaid Services (CMS) added two new Frequently Asked Questions providing information on how to continue participation in the Electronic Health Records (EHR) Incentive Programs or apply for a hardship exception after switching vendors.

The first FAQ addresses whether a provider that has switched Certified EHR Technology vendors can apply for a hardship exception to avoid the Medicare payment adjustment. CMS explained that if a provider switches EHR vendors during the Program Year, and is unable to demonstrate meaningful use, the provider may apply for an Extreme and/or Uncontrollable Circumstances hardship exception. If the provider's application is approved, the provider may be exempt from the payment adjustment.

The second FAQ explains what happens if a provider's product is decertified. CMS explained that providers can continue to use a decertified product to attest if the provider's EHR reporting period ended before the decertification occurred. However, if the product was decertified prior to the end of provider's reporting period, the provider should apply for a hardship exception. If the decertification of the provider's product occurs after the hardship exception period has already closed for the payment adjustment year applicable for the provider's reporting period, the provider should contact the CMS Hardship Coordinator at EHRinquiries@cms.hss.gov to apply for a hardship exception under the Extreme and/or Uncontrollable Circumstances category. CMS has discretion on whether or not to grant hardship exceptions under the Extreme and/or Uncontrollable Circumstances category.

Please contact any member of the Bricker & Eckler Health Care group for more information.

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