

Meaningful Use: Avoiding the 3% Penalty in 2018

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If you did not report meaningful use in 2016 – or failed to do so successfully – the government will impose a 3% penalty in 2018 on all Medicare payments. Now is the opportune time to review government applications to try to get an exemption for that penalty. Just posted on March 7, the applications focus on avoiding the EHR Incentive Program 3% penalty.

The first application is the annual hardship form. The following categories are available to physicians and other eligible professionals for the hardship declaration:

1. Insufficient Internet connectivity
2. Extreme and uncontrollable circumstances
3. Lack of control over the availability of Certified EHR Technology
4. Lack of face-to-face patient interaction

Under the second category, there is a section titled – “2.2d. EHR Certification/Vendor Issues.” By far the most comprehensive category, physicians can declare an exemption based on the fact that they “...faced extreme and uncontrollable circumstances in the form of issues with the certification of the EHR product or products such as delays or decertification, issues with the implementation of the CEHRT such as switching products, or issues related to insufficient time to make changes to the CEHRT to meet CMS regulatory requirements for reporting in 2016.”

The only requirement is a signature of attestation; the form allows the opportunity to submit a single application on behalf of all eligible professionals in your practice.

The application is due July 1, 2017.

[Hardship Form](#)

If you've never participated in the EHR Incentive Program, you have another option to avoid the 2018 penalties. This one comes with some strings, however. In addition to never having been successful at “meaningful use” reporting, eligible professionals must declare their intention to participate in the Advancing Care Information (ACI) category of the new Merit-based Incentive Program (MIPS). Here's the attestation statement from the application:

New Eligible Professional Transitioning to MIPS 2017. The EP has never participated in the EHR Incentive Program prior to 2017 and is transitioning to MIPS and will report on the

*advancing care information performance category in 2017. I, (print name of Eligible Professional), am requesting this Medicare EHR Incentive Program one time significant Hardship Exception and attest to and can demonstrate (the practice indicated on the Application), based on my/our particular circumstances, that I/we are demonstrating meaningful use for the first time in 2017 under the EHR Incentive Program and also are/will report on measures specified for the advancing care information performance category under the MIPS in 2017 as this would result in a significant hardship.**

The asterisk indicates the requirement to maintain documentation on this intention for six years.

Because ACI is not required to avoid the 4% penalty associated with MIPS, this application carries a more significant burden than simply applying for a hardship. (See the February issue of the Sentinel for 2017 MIPS program requirements.)

However, the deadline is not until October 1, 2017. Similar to the hardship application, you can apply on behalf of all of your eligible professionals.

[Transitioning to MIPS Hardship Form](#)

For those of you who submitted applications in the past, a gentle reminder that the government grants exceptions for one year at a time. Even if you've successfully declared a hardship in the past, you'll need to do so again this year. Don't wait until the last minute; determine which form is appropriate for your situation – and submit it!

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