

Part B Insider (Multispecialty) Coding Alert

Part B Payment: CMS to Alert Some Practices Facing E-Prescribing Penalty Ahead of Time

Plus: Just over a week left to get your exemption applications in to CMS.

Worrying about whether you'll face an e-prescribing penalty next year? CMS aims to help practices struggling with the decision of whether to apply for a hardship exemption by letting them know up-front if they might be looking at penalties in 2012.

Background: Starting in 2012, practitioners will be subject to a one percent payment adjustment on your Part B pay if you don't successfully participate in e-prescribing this year. In 2013, that payment adjustment will go up to 1.5 percent, and in 2014 it will rise to two percent. Practices seeking ways to avoid that one percent payment adjustment in January got good news earlier this year when CMS announced that you might be eligible for one of six exemptions to the pay cuts, for which you must apply by Nov. 1. (See sidebar below for more information).

Deadline is around the corner: "There is still time between now and Nov. 1 for eligible professionals to request a significant hardship exemption from the negative payment adjustment that would take place Jan. 1 for those who haven't been successful e-prescribers as indicated by the reporting of the e-prescribing measure," said CMS's **Michael Rapp, MD**, during an Oct. 18 Open Door Forum.

Although some in the provider community have requested that CMS alert them if they will be subject to a penalty in 2012 and would therefore benefit from a hardship exemption, "that turns out not to be feasible," Rapp said. Instead, CMS has "a preliminary list of individuals who may be subject to the payment adjustment effective Jan. 1, 2012, and so with having that available what we've arranged to have done is that the carriers will be sending letters to the individuals that we have preliminarily found may be subject to that payment adjustment," Rapp added. "Should you believe that you are eligible for a hardship category, it will still give you time to apply for that."

The letters were first sent on Oct. 17 and will be completed by Oct. 25, so "it won't give a whole lot of time, but will give some time to apply for the hardship exemption," Rapp added. There is no guarantee that you will get an exemption, but if you do, it will help you avoid the pay cut in January.

"In addition, we are asking our help desk to make telephone calls to certain individuals [stating] that the information we have is that they did seek to participate in the e-prescribing incentive program but didn't necessarily meet the requirement for reporting on ten measures," Rapp said.

Watch out: The CMS communications won't offer absolute guarantees of which providers might be exempt, because they are based on preliminary PQRS reviews, not final reports, CMS reps added during the call.

Take Note of the Exemption Web Site

CMS's **Lauren Fuentes** stressed that Nov. 1 is the absolute deadline for requesting a hardship exemption, and encouraged potential exemption candidates to visit the application Web site at https://www.qualitynet.org/portal/server.pt/community/communications_support_system/234.

The site will require you to fill out your identifying information, check a box denoting which exemption you're requesting, and write a maximum 250-word justification statement regarding why you're seeking an exemption. You'll receive a confirmation email about your application shortly after you submit it, said CMS's **Molly MacHarris** during the call.

Keep in mind: If an individual eligible professional (EP) or Group Practice Reporting Option (GPRO) participating in e-

prescribing as a group submits G8553 (indicating a valid e-prescribing event) in addition to submitting a hardship or lack of prescribing privileges code, the hardship/lack of prescribing privileges will take precedence, MacHarris noted.

Timing: CMS is "trying to process the hardships as quickly as we can," MacHarris said, and practices who have applied will get an email or a hard copy letter when CMS approves or denies the hardship application.

Looking ahead: Hardship exemption categories for the 2013 payment adjustments will be different from those currently on the application, which apply only to 2012. Information about the exemptions possible for 2013 will be in the 2012 Physician Fee Schedule Final rule, which will be available "around Nov. 1," MacHarris noted.