

Health Information Compliance Alert

E-Prescribing: CMS Is Now Accepting Hardship Exemption Applications to Avoid 2013 E-Prescribing Penalty

Submit your application by June 30 to find out whether you qualify.

Hoping to avoid a 1.5 percent hit to your Part B pay next year? CMS may be able to make that a lot easier. The agency is now accepting applications from practices that believe they qualify for one of four hardship exemptions.

As you are probably aware, you are subject to a one percent payment adjustment on your Part B pay this year if you didn't successfully participate in e-prescribing in 2011. Just before the calendar turned to 2012, CMS began accepting hardship exemptions for the 2012 adjustment, but the timeline was tight and the rules were so new that many practices were confused and missed the application deadline.

Now you can have a fresh start in anticipation of the 2013 cuts. CMS is accepting hardship exemption requests through June 30, and will review them on a case-by-case basis.

You may be eligible to apply for an exemption if you meet one of the following four criteria:

1. **Prescribing Medications That Legally Cannot Be Electronically Transmitted.** Many state, local, or federal regulations prohibit eligible professionals (EPs) from electronically prescribing certain medications, such as narcotics -- but practices that prescribe large quantities of these drugs (for instance, some pain management physicians) may find that they can't electronically prescribe even if they'd like to participate in the incentive program. These practices should consider applying for the exemption.
2. **Limited Prescribing Activity.** Some practitioners may appear to be eligible for the e-prescribing penalty because they perform enough office visits to meet the threshold, but in reality, those physicians may not prescribe medications for various reasons. Therefore, those eligible professionals who believe they will prescribe fewer than 100 prescriptions during the six-month reporting period (January 1 through June 30, 2012) should apply for this exemption.
3. **Practice Is in a Rural Area Without Sufficient High-Speed Internet Access.** This hardship is associated with an already-established G code, G8642 (The eligible professional practices in a rural area without sufficient high speed internet access and requests a hardship exemption from the application of the payment adjustment under section 1848[a][5][a] of the Social Security Act).
4. **Practice Is in An Area Without Sufficient Pharmacies Available for E-Prescribing.** CMS also established a G code to describe this circumstance -- G8643 (The eligible professional practices in an area without sufficient available pharmacies for electronic prescribing and requests a hardship exemption for the application of the payment adjustment under section 1848[a][5][a] of the Social Security Act).

Heed June 30 Deadline

Under the regulations, EPs have until June 30 to request a hardship exemption, which should include the following information:

- Identifying information such as the TIN, NPI, name, address, and email address of all affected EPs
- The hardship exemption categories that apply
- A justification statement describing how the e-prescribing requirement would create a significant hardship
- An attestation of the accuracy of the information.

To apply, visit the Communication Support Page at www.qualitynet.org/portal/server.pt/community/communications_support_system/234 and click "Create Hardship Exemption Request."