

PUBLICATION

Quality Payment Program EHR Hardship Application Now Open

August 18, 2017

The Quality Payment Program (QPP) hardship exception application is now open for those providers seeking a score adjustment related to their use of electronic health records (EHR). Providers who meet certain criteria can apply to have their Advancing Care Information performance category reweighted to zero percent of their final performance score by submitting a hardship exception application. Applications are due October 1, 2017.

Background

Under the QPP, physicians may choose to participate in one of two tracks: (1) the Merit-Based Payment Incentive System (MIPS) track or (2) the Advanced Alternative Payment Model (APM) track. The MIPS track allows providers to earn a performance-based payment adjustment to their Medicare reimbursement based on performance in four separate categories. One of these categories, the "Advancing Care Information" performance category, absorbed the Medicare EHR Incentive Program, which requires providers to utilize certified electronic health record technology (CEHRT) for participation in the Advancing Care Information category. The Advancing Care Information category accounts for 25 percent of the overall MIPS score. This means that the ability to meet CEHRT requirements will impact a provider's MIPS score and subsequent Medicare reimbursement. Instead of participating in the MIPS track, providers can take part in an Advanced APM, which has similar requirements but requires providers to take on more risk. Under an Advanced APM, providers have the potential to earn a five percent incentive payment if the requirements of that track are met. Under APMs, there are also what are called "MIPS APMs," which offer the opportunity for providers participating in certain APMs to receive credit under the MIPS program.

Hardship Exception Application

The QPP offers exemptions from meeting the CEHRT requirements for certain MIPS-eligible providers and groups that are participating in a MIPS APM. Providers who need to submit a QPP hardship exception application must list one of the following justifications:

- Insufficient Internet connectivity
- Extreme and uncontrollable circumstances
- Lack of control over the availability

CMS will review and approve applications to determine whether providers have valid justifications for declaring a hardship. CMS does not require providers to submit information justifying the hardship with the application but providers must keep documentation readily available to submit in the event CMS wants validation. Providers are not penalized for having their Advancing Care Information category adjusted; rather, the potential points that could've been earned in the Advancing Care Information category is transferred to another category. If hardship applications are approved, then the 25 percent weighting of the Advancing Care Information category will be allocated to the Quality Performance category. For the 2018 MIPS performance year, the quality performance category accounts for 50 percent of the overall score. If a provider's EHR hardship exception application is accepted, this means that the provider's quality performance category will account for 75 percent of the provider's overall MIPS score. Accepted hardship applicants will need to prioritize and focus on achieving the measures within the quality performance category.

Automatic Reweighting for Special Status Providers

Some providers do not have to submit a hardship exception application because their Advancing Care Information performance score will automatically be reweighted zero percent (or exempted in the case of MIPS-eligible providers in a MIPS APM). The special status providers include the following:

- Hospital-based MIPS-eligible providers
- Physician assistants
- Nurse practitioners
- Clinical nurse specialists
- Certified registered nurse anesthetists
- Non-patient facing providers
- Ambulatory surgical center based MIPS-eligible providers

Group Reporting

In addition to the above, the Advancing Care Information performance category is automatically reweighted (and, thus, no hardship exception application is required) for physician group practices that submit performance information as a group if all of the MIPS-eligible providers within the group are able to qualify with a hardship exception or fall under the special status category. Physician groups submitting information as a collective group combine all MIPS-eligible providers' performances under one Taxpayer Identification Number (TIN). If reporting as a group, hospital-based MIPS providers do not need to be included in the group calculation for the Advancing Care Information performance category. Also, non-patient facing physician groups do not need to submit a hardship exception application because their score is automatically reweighted as well. Physician group practices are considered non-patient facing if more than 75 percent of its physicians have 100 or fewer face-to-face patient encounters, which includes telehealth services.

Impact of Mid-Year EHR Vendor Changes

MIPS-eligible providers that switched EHR vendors during 2017 and are now unable to submit information demonstrating meaningful use of an EHR system, can qualify for the extreme and uncontrollable circumstances hardship exception (mentioned above as one justification for hardship). If a provider's EHR has been decertified and the performance period ended after the decertification occurred, providers can apply for the hardship exception. However, if a provider's performance period ended before EHR decertification, then providers can still submit information to be scored in the advancing care information category.

Technical Issues with Hardship Exception Application

CMS noted there have been issues with application submissions made through the Internet Explorer web browser where some icons on the website may not appear. When hovering over the area where the icons should be, the hover-over help is displayed. When clicking into the area, the functionality is executed as if the icon were there.

Hardship Exception Applications Due Date

Applications are due by October 1, 2017.