

CMS Adds Exemptions to eRX Final Rule

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The Centers for Medicare and Medicaid Services published the [final rule](#) on the 2011 electronic prescribing (eRX) incentive program September 6, introducing new hardship exemptions that will allow some providers to avoid payment reductions.

The prescribing program, which offers incentives to eligible professionals who are successful electronic prescribers, also includes payment adjustment in the Medicare Physician Fee Schedule for those who are not. Reductions of 1 percent begin January 2012. Further cuts of 1.5 percent and 2 percent take effect in 2013 and 2014, respectively.

The additional exemptions “better recognize those circumstances when the ability of professionals to meet the eRX requirements is limited and when the requirements clearly pose a significant hardship,” wrote Patrick Conway, CMS Chief Medical Officer and Director of the Office of Clinical Standards and Quality August 31 on the [CMS Blog](#).

CMS added four new “significant hardship” exemptions to the rule, covering eligible professionals or group practices who:

- register to participate in the Medicare or Medicaid EHR Incentive Programs and adopt certified EHR technology;
- are unable to electronically prescribe due to local, state, or federal law or regulation;
- have limited prescribing activity; or
- have insufficient opportunities to report the e-prescribing measure due to limitations of the measure’s denominator.

The two hardship exemptions already available apply to eligible professionals or group practices in:

- Rural areas with limited high speed internet access
- Area with limited available pharmacies for electronic prescribing

Physicians have until November 1, 2011, to request exemptions. Individual eligible professionals may request exemptions for the 2012 eRX payment adjustment through a Web-based tool; group practices must send a letter. Instructions will be available on the [eRX Incentive Program Web site](#).

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