

CMS Reopens Submission Period for the Meaningful-Use Hardship Exception: Eligible professionals are required to demonstrate meaningful use of Certified Electronic Health Record Technology (CEHRT) or obtain a waiver for failure to demonstrate meaningful use. Failure to comply with one of these requirements will result in a 2015 Medicare payment adjustment, which will reduce Medicare reimbursements by 1% for 2015. A reduction in payment will continue each year until the reduction reaches 5% if the eligible professional continues to fail to meet one of the requirements. CMS has announced it will reopen the submission period for the meaningful use hardship exception applications. The reopened submission period is for eligible professionals who have been unable to fully implement 2014 Edition CEHRT due to delays in 2014 Edition CEHRT availability and were unable to attest by October 1, 2014. Eligible professionals will now have until **November 30, 2014** to submit a hardship exception application. The new application may be found on the CMS website at: <http://ow.ly/CFVhb>.

National Practitioner Data Bank Fees Reduced: The National Practitioner Data Bank (“NPDB”) collects information on all payments made on behalf of physicians in connection with medical liability settlements or judgments, as well as adverse peer review actions against licenses, clinical privileges and professional society memberships of physicians and other practitioners. The information is considered confidential and released only to eligible entities or to individual practitioners who perform self-queries. Some employers require that physicians annually submit self-query reports as a condition of employment. Effective October 1, 2014, the National Practitioner Data Bank has decreased its fees for queries. The new fee for continuous and one-time queries is \$3.00 and the new fee for self-queries is \$5.00. You may find further instructions on performing self-queries on the NPDB website: <http://ow.ly/CFVyH>.

New Jersey Court Rules Lack of Intent is Not a Defense to License Application Errors: In an opinion published on October 3, 2014, *In the Matter of the Application of Y.L.*, the Superior Court of New Jersey, Appellate Division, ruled that professionals licensed by the state of New Jersey (including doctors, dentists, nurses and pharmacists) can be denied licenses on the basis of application errors, even if the errors were unintentional. In this case, Y.L. challenged an order by the state Board of Massage and Bodywork Therapy Examiners denying her license application. Y.L. submitted a sworn application to the board stating she had never been arrested for any crime. Y.L. had been arrested for prostitution in a massage therapy establishment in 2004, but the charges were later dismissed. New Jersey law allows professional licensing boards to deny a license to an applicant who has “engaged in the use or employment of dishonesty, fraud, deception, misrepresentation, false promise or false pretense.” The board took the position that the failure to disclose the arrest was a misrepresentation. The Court agreed that the submission of a false application is a basis for disqualification. The Court also noted that the arrest itself was insufficient to deny Y.L. a license and had Y.L. properly disclosed the arrest, she would have qualified for a license.

Rescheduling of Hydrocodone: Effective October 6, 2014, all hydrocodone combination products are rescheduled as Schedule II Controlled Dangerous Substances (“CDS”). This change is the result of a recent federal Drug Enforcement Agency Final Rule. All prescriptions issued by a practitioner for hydrocodone combination products will be subject to the same restrictions as all other Schedule II CDS medications. Prescriptions written prior to October 6, 2014 will not be refilled by a pharmacy. Please review the New Jersey Attorney General’s release for more information: <http://ow.ly/CFW40>.

For more information on the above items, contact Kern Augustine Conroy & Schoppmann, P.C. at 1-800-445-0954 or via email at info@DrLaw.com.



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