

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 York Electronic Prescribing Vendors: Effective March 27, 2015, a NY law (Public Health Law §281) will go into effect that will require physicians and other healthcare professionals (excluding prescriptions issued by veterinarians) to issue prescriptions electronically directly to a pharmacy, with limited exceptions. In order to electronically prescribe controlled substances (EPCS) in schedules II through V, you must take the following additional steps:

- First, the software must meet all the federal security requirements for EPCS, which can be found on the Drug Enforcement Agency’s (DEA) web page <http://ow.ly/CFXuJ> (Note that federal security requirements include a third party audit or DEA certification of the software);
- Second, the identity proofing process as defined in the federal requirement must be completed;
- Third, a two-factor authentication as defined in the federal requirements must be obtained;
- Fourth, the DEA certified EPCS software must be registered with the Bureau of Narcotic Enforcement of the NYS Department of Health.

There are many electronic prescribing vendors (eRx vendors), but not all eRx vendors meet all the federal security requirements for EPCS. It is strongly recommended that you require the eRx vendor to provide proof that it meets all federal security requirements for EPCS. According to the DEA, an application provider must either hire a qualified third party to audit the application or have the application reviewed and certified by an approved certification body. The auditor or certification body should issue a report that states whether the application complies with DEA’s requirements and whether there are any limitations on its use for controlled substance prescriptions. The application provider must provide a copy of the report to the healthcare professionals who use or are considering use of the electronic prescription application to allow them to determine whether the application is compliant with DEA’s requirements. The DEA website provides a list of certifying organizations whose certification processes have been approved by the DEA: <http://ow.ly/CFXMV>.

According to a recent report of the Medical Society of the State of New York (MSSNY), MSSNY plans to interview eRx vendors for possible selection and offering as a MSSNY membership benefit. Please note that beginning on March 27, 2015, you will be required to issue electronic prescriptions. Public Health Law §281.

The Bureau of Narcotic Enforcement has issued FAQs for EPCS, which is available at: <http://ow.ly/CFY6b>.

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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