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## **2017 Electronic Health Record (EHR) Update for Pathology**

In 2011, CMS began a program to encourage implementation of Electronic Health Records (EHR). This program was named Meaningful Use (MU). From 2011 through 2014, successful participation in MU resulted in a bonus to a Physician's Medicare payments. 2015 was the first year that failure to participate, resulted in a penalty.

The program's effective years were set up to work similarly to PQRS. Failure to meet the reporting requirements in 2015 resulted in a negative adjustment penalty being applied to a Physician's 2017 Medicare Payments.

The EHR MU program participation requirement has been highly contested. Per The College of American Pathologists, a pathologist meets the necessary requirements for an exemption from the program. CAP advocated for this exemption because Pathologists have little control over the implementation of EHR systems at their practice location, along with purchasing and maintaining them. This advocacy has resulted in an automatic hardship exemption being granted by CMS based on specialty type and taxonomy.

Recently, APS began receiving letters from CMS addressed to some of its pathology clients, stating they will be penalized for failure to participate in the MU program in 2015. We believe these are largely being received in error due to the specialty exemption. APS has begun appealing this on behalf of all clients for whom we receive a letter. We also have initiated discussion with attorneys to frame our appeals and provide guidance on second level appeals, if necessary. The initial appeal must be filed by February 28, 2017.

APS is asking any clients who receive a letter indicating they will be subject to a penalty, to please send those to your Practice Manager or Client Representative so they can be qualified and appealed. If there are any further questions regarding this topic, please reach out to your Practice Manager.