

Tip Sheet for CMS's Flexibility Rule and Alaska's EHR State Level Registry

CMS published the CMS 2014 CEHRT Flexibility Final Rule on August 29, 2014. The Flexibility Rule is effective October 1, 2014. The Rule grants flexibility to providers participating in the Medicare and Medicaid EHR Incentive Programs in 2014 and who are unable to *fully implement* a 2014 Edition Certified EHR Technology (CEHRT) for an Electronic Health Record (EHR) reporting period in 2014 due to delays in 2014 Edition CEHRT availability. The delay in 2014 Edition CEHRT availability must be attributable to issues related to software development, certification, implementation, testing, or release of the product by the EHR vendor, which resulted in the inability for a provider to fully implement 2014 Edition CEHRT. It is important to note that the schedule of participation for a provider in the EHR Incentive Program for 2015 and subsequent years is not altered under this rule.

The Flexibility Rule:

- Allows providers to meet meaningful use (MU) with EHRs certified to the 2011 or the 2014 Edition criteria, or a combination of both Editions, for an EHR Reporting Period in 2014
- Requires providers to report using 2014 Edition CEHRT for an EHR Reporting Period in 2015
- Extends Stage 2 through 2016
- Requires providers in their first year of participation and attesting to Adopt, Implement or Upgrade (AIU) to use 2014 Edition CEHRT
- Does not allow for objectives and clinical quality measures (CQMs) to be mixed and matched from different years (e.g., 2013 and 2014 definitions)
 - CQMs cannot be separated from MU objectives and measures, but providers can use the updated electronic specifications of the CQMs.

The Rule defines that a provider's inability to *fully implement* a 2014 Edition CEHRT must be based on:

- Software development delays
- Missing or delayed software updates
- Being able to implement 2014 CEHRT for part of the reporting period (not the full reporting period)
- Unable to train staff, test the updates system, or put new workflows in place due to delay with installation of 2014 CEHRT
- Cannot meet Stage 2 Summary of Care measures due to the recipient of their Summary of Care transmittal being impacted by 2014 CEHRT issues. The sending provider may experience significant difficulty meeting the 10% threshold for electronic transmissions, despite the referring provider's ability to send the electronic document, if the intermediary or the recipient of the transition or referral is experiencing delays in the ability to fully implement 2014 Edition CEHRT.

The Rule specifically states that the following are NOT acceptable reasons for NOT being able to *fully implement*:

- Financial issues
- Inability to meet one or more measures
- Staff turnover and change
- Provider waited too long to engage a vendor
- Refusal to purchase the requisite software
- Providers who fully implemented 2014 Edition CEHRT and can report in 2014

All providers, regardless of their stage, are only required to demonstrate meaningful use for a 3-month EHR reporting period. For Medicare providers, this 3-month reporting period is fixed to the quarter of either the fiscal (for eligible hospitals and CAHs) or calendar (for eligible professionals).

The 3-month reporting period is not fixed for Medicaid eligible professionals and hospitals that are only eligible to receive Medicaid EHR incentives.

Please note:

- If you choose to use the Flexibility Rule, CMS requires that Alaska has proof on file (a letter from your EHR Vendor) stating the reason 2014 CEHRT is not fully implemented in your place of business before we can complete validation of the attestation and subsequent payment for 2014.
- If you are a Group Administrator – each of the EPs in your group will need to go in individually to identify their intention of attestation to 2011 or 2014 CEHRT before they can be successfully added to your group.

Clinical Quality Measures

EPs and EHs demonstrating 2013 Stage 1 meaningful use would use the 2011 CQM's:

More information on 2013 CQM's can be found here:

http://www.cms.gov/Regulations-and-Guidance/Legislation/EHRIncentivePrograms/cqm_through_2013.html

EPs and EHs demonstrating 2014 Stage 1 meaningful use would use the 2014 CQM's:

More information on 2014 CQM's can be found here: http://www.cms.gov/Regulations-and-Guidance/Legislation/EHRIncentivePrograms/2014_ClinicalQualityMeasures.html

Stage 1

Providers who are scheduled to demonstrate Stage 1 in 2014 and have not successfully implemented 2014 CEHRT will use 2013 Stage 1 core and menu objectives.

More information on 2013 Stage 1 core and menu objectives can be found here:

http://www.cms.gov/Regulations-and-Guidance/Legislation/EHRIncentivePrograms/2013Definition_Stage1_MeaningfulUse.html

Providers who have successfully implemented 2014 Edition CEHRT will use the 2014 Stage 1 core and menu objectives.

More information on 2014 Stage 1 core and menu objectives can be found here:

http://www.cms.gov/Regulations-and-Guidance/Legislation/EHRIncentivePrograms/Meaningful_Use.html

Stage 2

Providers scheduled to demonstrate Stage 2 of meaningful use for an EHR reporting period in 2014 that have not fully implemented 2014 Edition CEHRT can:

- Demonstrate 2013 Stage 1 objectives and 2013 CQMs with 2011 Edition CEHRT or a combination of 2011 and 2014 Edition CEHRT, or
- Demonstrate 2014 Stage 1 objectives and 2014 CQMs with 2014 Edition CEHRT or a combination of 2011 and 2014 Edition CEHRT, or
- Demonstrate Stage 2 objectives and 2014 CQMs with 2014 Edition CEHRT or a combination of 2011 and 2014 Edition CEHRT

More information on 2014 Stage 2 core and menu objectives can be found here:

http://www.cms.gov/Regulations-and-Guidance/Legislation/EHRIncentivePrograms/Stage_2.html

If you would like assistance in determining what is available to you – please link to the CMS 2014 CEHRT Flexibility Rule Decision Tool:

http://www.cms.gov/Regulations-and-Guidance/Legislation/EHRIncentivePrograms/Downloads/CEHRT_Rule_DecisionTool.pdf

Link to the CMS flow chart on the 2014 CEHRT Flexibility Rule:

http://www.cms.gov/Regulations-and-Guidance/Legislation/EHRIncentivePrograms/Downloads/CEHRT2014_FlexibilityChart.pdf

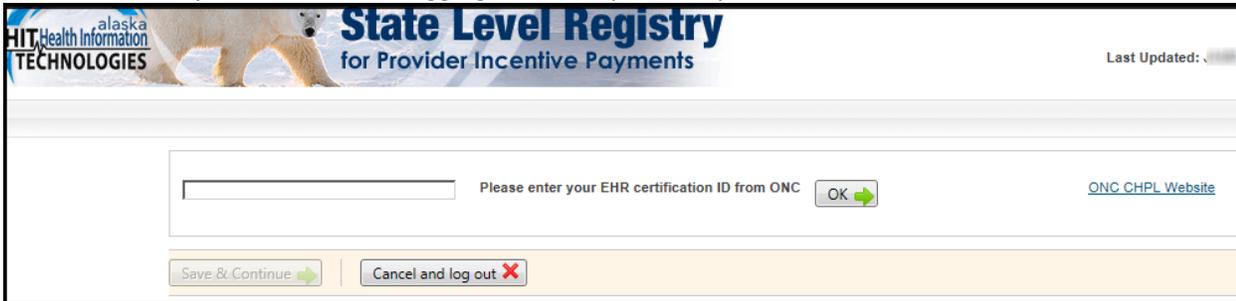
Link to the CMS 2014 CEHRT Rule: Quick Guide:

http://www.cms.gov/Regulations-and-Guidance/Legislation/EHRIncentivePrograms/Downloads/CEHRT2014_FinalRule_QuickGuide.pdf

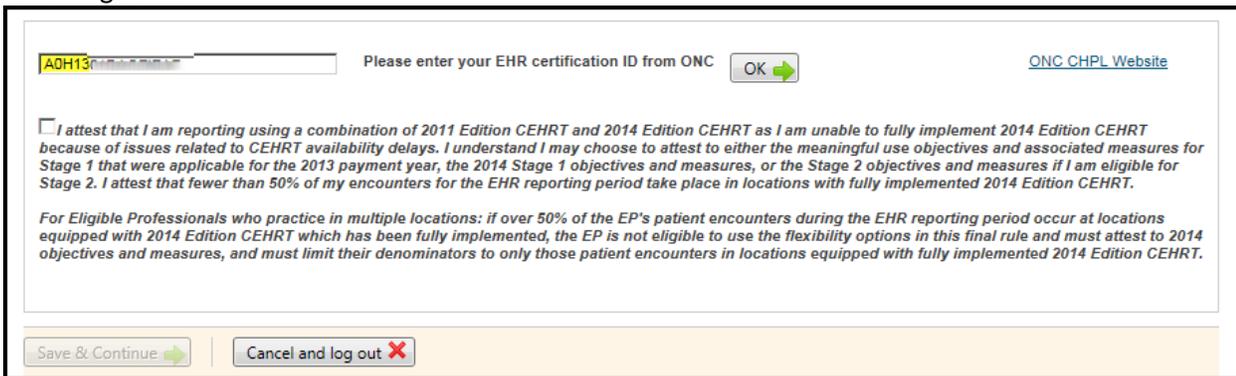
Alaska's State Level Registry (SLR) helpful hints:

For 2014 attestations, you will access the SLR the same way - <https://ak.arraincentive.com/Login.aspx> using your User ID and Password.

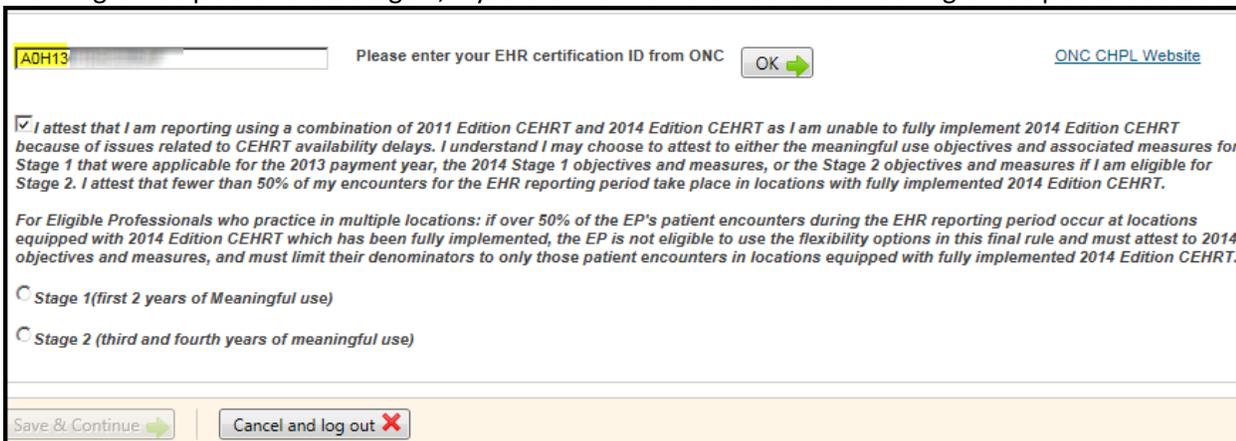
The first screen you will see after logging on is a request for your EHR certification ID from ONC



Entering your CEHRT ID will direct you to the options available. If you enter a 2013 CEHRT, you will get the following screen:



Checking the "I attest that I am reporting...." box will bring up the next screen. If you are in your first 2 years of meaningful use please select Stage 1, if you are in the third or fourth of meaningful use please select Stage 2:



Stage 1 Instructions

Checking the radio button stating you want to attest to Stage 1 will bring up this information:

A screenshot of a web form titled "Stage 1 Instructions". At the top, there is a text input field containing "A0H13" and a label "Please enter your EHR certification ID from ONC" with an "OK" button. A link "ONC CHPL Website" is in the top right. The main content area contains a checked checkbox with the text: "I attest that I am reporting using a combination of 2011 Edition CEHRT and 2014 Edition CEHRT as I am unable to fully implement 2014 Edition CEHRT because of issues related to CEHRT availability delays. I understand I may choose to attest to either the meaningful use objectives and associated measures for Stage 1 that were applicable for the 2013 payment year, the 2014 Stage 1 objectives and measures, or the Stage 2 objectives and measures if I am eligible for Stage 2. I attest that fewer than 50% of my encounters for the EHR reporting period take place in locations with fully implemented 2014 Edition CEHRT." Below this is a paragraph: "For Eligible Professionals who practice in multiple locations: if over 50% of the EP's patient encounters during the EHR reporting period occur at locations equipped with 2014 Edition CEHRT which has been fully implemented, the EP is not eligible to use the flexibility options in this final rule and must attest to 2014 objectives and measures, and must limit their denominators to only those patient encounters in locations equipped with fully implemented 2014 Edition CEHRT." There are three radio button options: "Stage 1 (first 2 years of Meaningful use)" (selected), "I want to attest to the 2013 Stage 1 objectives and measures.", and "I want to attest to the 2014 Stage 1 objectives and measures." Below these is "Stage 2 (third and fourth years of meaningful use)". At the bottom, there are two buttons: "Save & Continue" (disabled) and "Cancel and log out" (active).

Only after selecting 2013 or 2014 Stage 1 objectives... will the "Save & Continue" box be available.

A screenshot of the same web form as above. The radio button "I want to attest to the 2013 Stage 1 objectives and measures." is now selected. The "Save & Continue" button is now enabled and highlighted in green.

Pressing Save & Continue will bring up this pop up box. Please note that the CHERT Edition 2011/2014/Stage 1/Year: 2013 does not mean program year 2013. It means this is the version of core and menu objectives you will be using

A confirmation pop-up box with the title "Confirmation - Please read carefully!". The text inside reads: "You have chosen to attest using: CEHRT Edition: 2011/2014 / Stage: 1 / Year: 2013". It then explains that selecting "Continue" will create the attestation with the correct set of Meaningful Use objectives and Measures as defined in the Final Rule pertaining to 2014 attestations. It also states that if the user determines later that they have selected the incorrect CEHRT Edition, Stage or Year, they will need to contact the Alaska EHR Incentive Program at hss.hitinfo@alaska.gov to request their attestation be deleted so they can start over and make another selection. It concludes with: "By selecting 'Continue', you indicate your understanding of this information." At the bottom, there are two buttons: "Continue" (highlighted in green) and "Cancel" (with a red X).

Pressing Continue brings you to the appropriate core and menu objectives you agreed to in the prior screens.

If you enter a 2013 CEHRT as above and select the bottom radio button – I want to attest to the 2014 Stage 1 objectives and measures. The Save & Continue button shows as available.

A screenshot of a web form for CEHRT attestation. At the top, there is a text input field containing 'ADH13' and a label 'Please enter your EHR certification ID from ONC' with an 'OK' button. A link for 'ONC CHPL Website' is in the top right. The main content area contains a checked checkbox with the text: 'I attest that I am reporting using a combination of 2011 Edition CEHRT and 2014 Edition CEHRT as I am unable to fully implement 2014 Edition CEHRT because of issues related to CEHRT availability delays. I understand I may choose to attest to either the meaningful use objectives and associated measures for Stage 1 that were applicable for the 2013 payment year, the 2014 Stage 1 objectives and measures, or the Stage 2 objectives and measures if I am eligible for Stage 2. I attest that fewer than 50% of my encounters for the EHR reporting period take place in locations with fully implemented 2014 Edition CEHRT.' Below this is a paragraph: 'For Eligible Professionals who practice in multiple locations: if over 50% of the EP's patient encounters during the EHR reporting period occur at locations equipped with 2014 Edition CEHRT which has been fully implemented, the EP is not eligible to use the flexibility options in this final rule and must attest to 2014 objectives and measures, and must limit their denominators to only those patient encounters in locations equipped with fully implemented 2014 Edition CEHRT.' There are two radio button options: 'Stage 1 (first 2 years of Meaningful use)' and 'I want to attest to the 2014 Stage 1 objectives and measures.' The second option is selected. At the bottom, there are two buttons: 'Save & Continue' and 'Cancel and log out'.

Pressing Save & Continue will bring up this pop up box and then on to the appropriate core and menu objectives you agreed to in the prior screen.

A confirmation pop-up box with the title 'Confirmation - Please read carefully!'. The text inside reads: 'You have chosen to attest using: CEHRT Edition: 2011/2014 / Stage: 1 / Year: 2014. When you select the Continue button below, your attestation will be created with the correct set of Meaningful Use objectives and Measures as defined in the Final Rule pertaining to 2014 attestations. If you determine later that you have selected the incorrect CEHRT Edition, Stage or Year on the previous page, you will need to contact the Alaska EHR Incentive Program at hss.hitinfo@alaska.gov to request your attestation be deleted so that you can start over and make another selection. By selecting "Continue", you indicate your understanding of this information.' At the bottom, there are two buttons: 'Continue' and 'Cancel'.

Stage 2 Instructions

If you are in your third or fourth year of attestation, you see Stage 2 as an option:

A screenshot of a web form for CEHRT attestation, similar to the first one. It features the same top navigation and certification ID field. The main content area contains the same attestation text and paragraph. The radio button options are 'Stage 1 (first 2 years of Meaningful use)' and 'Stage 2 (third and fourth years of meaningful use)'. The second option is selected. At the bottom, there are two buttons: 'Save & Continue' and 'Cancel and log out'.

Selecting the Stage 2 radio button brings you to the confirmation page then to the core and menu objectives you agreed to in the prior screen.

Confirmation - Please read carefully!

You have chosen to attest using:

CEHRT Edition: 2011/2014 / Stage: 2 / Year: 2014

When you select the Continue button below, your attestation will be created with the correct set of Meaningful Use objectives and Measures as defined in the Final Rule pertaining to 2014 attestations. If you determine later that you have selected the incorrect CEHRT Edition, Stage or Year on the previous page, you will need to contact the Alaska EHR Incentive Program at hss.hiinfo@alaska.gov to request your attestation be deleted so that you can start over and make another selection.

By selecting "Continue", you indicate your understanding of this information.

If, at the beginning, you enter a 2014 CEHRT, you will get the following screen:

Please enter your EHR certification ID from ONC [ONC CHPL Website](#)

I attest that I am reporting using 2014 Edition CEHRT and am unable to fully implement 2014 Edition CEHRT because of issues related to CEHRT availability delays. I understand I may choose to attest to either the meaningful use objectives and associated measures for Stage 1 that are applicable for the 2014 payment year, or the Stage 2 objectives and measures if I am eligible for Stage 2. I attest that fewer than 50% of my encounters for the EHR reporting period take place in locations with fully implemented 2014 Edition CEHRT.

For Eligible Professionals who practice in multiple locations: if over 50% of the EP's patient encounters during the EHR reporting period occur at locations equipped with 2014 Edition CEHRT which has been fully implemented, the EP is not eligible to use the flexibility options in this final rule and must attest to 2014 objectives and measures, and must limit their denominators to only those patient encounters in locations equipped with fully implemented 2014 Edition CEHRT.

Providers who do not meet the threshold for the Stage 2 summary of care measure because the recipients of the transitions or referrals were impacted by issues related to 2014 Edition CEHRT availability delays and therefore could not implement the functionality required to receive the electronic summary of care document should select the option to attest to Stage 1 2014 objectives and measures.

I attest that I am reporting using 2014 Edition CEHRT and have fully implemented the technology. I will attest to Meaningful Use.

I attest that I am reporting using 2014 Edition CEHRT and will attest to Adopt, Implement or Upgrade (AIU).

Checking the "I attest that I am reporting...." box will bring up the next screen:

Please enter your EHR certification ID from ONC [ONC CHPL Website](#)

I attest that I am reporting using 2014 Edition CEHRT and am unable to fully implement 2014 Edition CEHRT because of issues related to CEHRT availability delays. I understand I may choose to attest to either the meaningful use objectives and associated measures for Stage 1 that are applicable for the 2014 payment year, or the Stage 2 objectives and measures if I am eligible for Stage 2. I attest that fewer than 50% of my encounters for the EHR reporting period take place in locations with fully implemented 2014 Edition CEHRT.

For Eligible Professionals who practice in multiple locations: if over 50% of the EP's patient encounters during the EHR reporting period occur at locations equipped with 2014 Edition CEHRT which has been fully implemented, the EP is not eligible to use the flexibility options in this final rule and must attest to 2014 objectives and measures, and must limit their denominators to only those patient encounters in locations equipped with fully implemented 2014 Edition CEHRT.

Providers who do not meet the threshold for the Stage 2 summary of care measure because the recipients of the transitions or referrals were impacted by issues related to 2014 Edition CEHRT availability delays and therefore could not implement the functionality required to receive the electronic summary of care document should select the option to attest to Stage 1 2014 objectives and measures.

Stage 1 (first 2 years of Meaningful use)

Stage 2 (third and fourth years of meaningful use)

I attest that I am reporting using 2014 Edition CEHRT and have fully implemented the technology. I will attest to Meaningful Use.

I attest that I am reporting using 2014 Edition CEHRT and will attest to Adopt, Implement or Upgrade (AIU).

Selecting the Stage 1 radio button brings you to the confirmation page then to the core and menu objectives you agreed to in the prior screen.

Confirmation - Please read carefully!

You have chosen to attest using:

CEHRT Edition: 2014 / Stage: 1 / Year: 2014

When you select the Continue button below, your attestation will be created with the correct set of Meaningful Use objectives and Measures as defined in the Final Rule pertaining to 2014 attestations. If you determine later that you have selected the incorrect CEHRT Edition, Stage or Year on the previous page, you will need to contact the Alaska EHR Incentive Program at hss.hitinfo@alaska.gov to request your attestation be deleted so that you can start over and make another selection.

By selecting "Continue", you indicate your understanding of this information.

Selecting the Stage 2 radio button brings you to the confirmation page then to the core and menu objectives you agreed to in the prior screen.

Confirmation - Please read carefully!

You have chosen to attest using:

CEHRT Edition: 2014 / Stage: 2 / Year: 2014

When you select the Continue button below, your attestation will be created with the correct set of Meaningful Use objectives and Measures as defined in the Final Rule pertaining to 2014 attestations. If you determine later that you have selected the incorrect CEHRT Edition, Stage or Year on the previous page, you will need to contact the Alaska EHR Incentive Program at hss.hitinfo@alaska.gov to request your attestation be deleted so that you can start over and make another selection.

By selecting "Continue", you indicate your understanding of this information.

If you have fully implemented 2014 CEHRT, check the box "I attest that I am reporting using 2014 Edition CEHRT....meaningful use"

Please enter your EHR certification ID from ONC [ONC CHPL Website](#)

I attest that I am reporting using 2014 Edition CEHRT and am unable to fully implement 2014 Edition CEHRT because of issues related to CEHRT availability delays. I understand I may choose to attest to either the meaningful use objectives and associated measures for Stage 1 that are applicable for the 2014 payment year, or the Stage 2 objectives and measures if I am eligible for Stage 2. I attest that fewer than 50% of my encounters for the EHR reporting period take place in locations with fully implemented 2014 Edition CEHRT.

For Eligible Professionals who practice in multiple locations: if over 50% of the EP's patient encounters during the EHR reporting period occur at locations equipped with 2014 Edition CEHRT which has been fully implemented, the EP is not eligible to use the flexibility options in this final rule and must attest to 2014 objectives and measures, and must limit their denominators to only those patient encounters in locations equipped with fully implemented 2014 Edition CEHRT.

Providers who do not meet the threshold for the Stage 2 summary of care measure because the recipients of the transitions or referrals were impacted by issues related to 2014 Edition CEHRT availability delays and therefore could not implement the functionality required to receive the electronic summary of care document should select the option to attest to Stage 1 2014 objectives and measures.

I attest that I am reporting using 2014 Edition CEHRT and have fully implemented the technology. I will attest to Meaningful Use.

I attest that I am reporting using 2014 Edition CEHRT and will attest to Adopt, Implement or Upgrade (AIU).

Pressing the Save & Continue button brings you to the confirmation page then to the core and menu objectives you agreed to in the prior screen.

Confirmation - Please read carefully!

You have chosen to attest using:

CEHRT Edition: 2014 / Stage: 2 / Year: 2014

When you select the Continue button below, your attestation will be created with the correct set of Meaningful Use objectives and Measures as defined in the Final Rule pertaining to 2014 attestations. If you determine later that you have selected the incorrect CEHRT Edition, Stage or Year on the previous page, you will need to contact the Alaska EHR Incentive Program at hss.hitinfo@alaska.gov to request your attestation be deleted so that you can start over and make another selection.

By selecting "Continue", you indicate your understanding of this information.

If you select the bottom choice you will get the below information on the Medicare Payment Adjustment.

I attest that I am reporting using 2014 Edition CEHRT and have fully implemented the technology. I will attest to Meaningful Use.

I attest that I am reporting using 2014 Edition CEHRT and will attest to Adopt, Implement or Upgrade (AIU).

Important Note - Please Read!

As part of the American Recovery and Reinvestment Act of 2009 (ARRA) Congress mandated payment adjustments to be applied to Medicare eligible professionals (EPs) and eligible hospitals (EHs) who do not demonstrate meaningful use of Certified Electronic Health Record (EHR) Technology by 2014. Payment adjustments are mandated to begin on the first day of 2014. Medicaid only hospitals and Medicaid EPs who do not bill Medicare are not subject to these payment adjustments, however, all other providers are subject to the penalties regardless of which program they choose to participate in. This means that EPs participating in the Medicaid EHR Incentive Program who bill Medicare are subject to the payment adjustment if they do not demonstrate Meaningful Use.

Providers who first attested to MU in 2011 or 2012 must demonstrate meaningful use for a full year in 2013 to avoid payment adjustments in 2015, and must continue to demonstrate meaningful use every year to avoid payment adjustments in subsequent years.

Providers who first attested to MU in 2013 must demonstrate meaningful use for a 90-day reporting period to avoid payment adjustments in 2015, and must continue to demonstrate meaningful use every year to avoid payment adjustments in subsequent years.

Providers who first demonstrate meaningful use in 2014 must demonstrate meaningful use for a 90-day reporting period in 2014 to avoid payment adjustments in 2015. The reporting period must occur in the first 9 months of the program year (7/1/14 for eligible hospitals and 10/1/14 for eligible professionals) in order to avoid payment adjustments. Providers must continue to demonstrate meaningful use every year to avoid payment adjustments for providers who first demonstrate meaningful use in 2014.

In certain circumstances, eligible hospitals and eligible professionals may apply for hardship exceptions to avoid the payment adjustments. Hardship exceptions will be granted only under certain circumstances and only if CMS determines that providers have demonstrated that those circumstances pose a significant barrier to their achieving meaningful use. CMS will publish information on how to apply for a hardship exception on the CMS EHR Incentive Programs website (www.CMS.gov/Regulations-and-Guidance/Legislation/EHRIncentivePrograms)

For more information on payment adjustments and hardship exceptions, please select one of the links below:

[Payment Adjustments and Hardship Exceptions Tipsheet for Eligible Professionals](#)

[Payment Adjustments and Hardship Exceptions Tipsheet for Eligible Hospitals](#)

[Click here for a printable version of this notice.](#)

Pressing the Save & Continue button brings you to the confirmation page then to the core and menu objectives you agreed to in the prior screen.

Confirmation - Please read carefully!

You have chosen to attest using:

CEHRT Edition: 2014 / AIU / Year: 2014

When you select the Continue button below, your attestation will be created with the correct set of Meaningful Use objectives and Measures as defined in the Final Rule pertaining to 2014 attestations. If you determine later that you have selected the incorrect CEHRT Edition, Stage or Year on the previous page, you will need to contact the Alaska EHR Incentive Program at hss.hitinfo@alaska.gov to request your attestation be deleted so that you can start over and make another selection.

By selecting "Continue", you indicate your understanding of this information.