



Alerts

CMS, ONC Propose Adjustments to Meaningful Use Implementation for EHR Incentive Program

December 12, 2013

Health Law Alert

On December 6, 2013, federal officials announced that the Centers for Medicare & Medicaid Services (CMS) has [proposed changes to the timeline for the implementation of meaningful use](#) for the [Medicare and Medicaid Electronic Health Record \(EHR\) Incentive Program](#), and the Office of the National Coordinator for Health Information Technology (ONC) has proposed adjustments to its certification process. Under CMS's proposed timeline change, Stage 2 would extend through 2016 and Stage 3 would begin in 2017 for providers that have completed at least two years in Stage 2. Under the old timeline, physicians had to complete Stage 2 by October 1, 2014, or face a 1% penalty from Medicare. Stage 3 was originally scheduled to take effect in 2016.

The ONC has also proposed a more regular approach to update ONC's certification regulations. This approach would allow for certification criteria to be updated more frequently under the ONC HIT Certification Program, including a 2015 Edition that would be optional for providers and vendors already certified under the 2014 Edition criteria.

The goal of these changes is to allow CMS and ONC to focus their efforts on implementing enhanced patient engagement, interoperability, and the health information exchange requirement in Stage 2, and then to continue to utilize data from Stage 2 participation to inform policy decisions for Stage 3.

Notices of proposed rulemaking expected to be released by CMS and ONC in the fall of 2014 will offer additional details on the new proposed timeline. The final rule on Stage 3 of the meaningful use program is expected to be released in the first half of 2015. All stakeholder comments will be reviewed and considered before the release of the final rules. Importantly, the proposal does not delay meaningful use in 2014 (Stage 1 or Stage 2). All 2014 certification and attestation deadlines are still in force.

For providers and vendors, the proposed changes will allow additional time and flexibility to prepare for Stage 3 requirements. An extension of Stage 2 could allow hospitals and physicians time to invest in technology that complies with Stage 3. Providers could also take more time to focus on their policies and procedures to ensure compliance with Stage 2 before adding new policies and procedures for Stage 3.

For more information, please contact your regular [Hinshaw attorney](#).

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