



CLIENT ALERT

Meaningful Use 2015

Major Restructuring of Rules Proposed on April 15, 2015

Executive Summary

On April 15, 2015, CMS published a proposed new rule simplifying the Meaningful Use rules. Overall, this proposed new rule provides relief for physicians who are weary of the increasingly complex program rules. While the final rule is not published, if adopted this new rule:

- Changes the 2015 reporting period to any 90 day period for 2015. For 2016 -2017, a full year reporting is required
- Restructures Stage 2 from 17 core objectives (including public health) plus 3 of 6 menu objectives to a more streamlined 9 core objectives and 1 public health objective.
- Eliminates 10 measures
- Simplifies 8 measures, including the challenging patient electronic access, secure messaging and summary of care measures
- Establishes a single set of measures, the Modified Stage 2 rules, for all providers for the time period 2015-2017, with accommodations during 2015 for providers who had planned to attest to Stage 1
- Sunsets the “Flexibility Rule” requiring that all providers use EHR Technology certified to meet the 2014 Standards

Measures that have been eliminated

- Record Demographics
- Record Vital Signs
- Record Smoking Status
- Clinical Summaries
- Structured Lab Results
- Patient List
- Patient Reminders
- Summary of Care - portions
- Electronic Notes
- Imaging Results
- Family Health History

Measures that have been simplified

The following measures have been eased or simplified:

- The **Summary of Care** measure has been eased to reduce the number of electronic transmissions to other providers from 50% of referrals to 10% of referrals, and additional flexibility has been provided regarding how this transmission must occur.
- The **Patient Electronic Access Objective** has been greatly eased to reduce the number of patients who must view, download or transmit their information from a portal from 5% of patients seen to a single patient.
- The **Secure Messaging** measure has been reduced from 5% of patients to a YES/NO measure requiring only that a secure messaging capability be available to patients.
- **The Privacy and Security Objective** has been slightly simplified to limit the scope of the required risk analysis and subsequent mitigation to protecting the data in the electronic record software.
- The **Public Health Reporting** measures have been consolidated into a single objective with restructured language and exclusions. A provider must complete two of these measures unless exclusions apply.

Stage 1 Eliminated

Stage 1 and Stage 2 have been consolidated into a single set of measures. For providers who participated the first time in 2014 and/or participate for the first time in 2015, for 2015 only an alternate set of measures is available that is similar to the current Stage 1 rules.

Where is a list that reflects all of the changes to the objectives and measures?

Please see separate attachment which includes a summarized version of the new measures.

When will final rules be released?

The federal rulemaking process requires at least a 60 day comment period after release of a proposed rule before a final rule may be published. So the rule will be published no sooner than June 14, 2015. The government will likely do its best to publish a final rule as soon as possible after that date. It would be optimistic to expect a final rule in July 2015.

What should I be doing now?

While it is not possible to guarantee that these proposed changes will be finalized, our assessment is that the likelihood is high that final rules will be adopted that closely match this proposal. Consequently, we recommend that if you are participating in the program that you concentrate your efforts towards achieving the measures listed in the proposed rule.

If you are using a smaller electronic record software who still has not released a 2014 certified version, which is required, you may want to switch to a new vendor.

What else has changed recently with Meaningful Use?

There have been two other important developments recently, separate from the rule proposed on 4/15/2015:

- The proposed Stage 3 rules were released on March 30, 2015. This rule defines Meaningful Use Stage 3 which is intended to be the final stage and in this process to be required for all providers from 2018 and beyond. The rule includes 8 objectives (with multiple measures) and will require an upgrade of the electronic record software to the 2015 certification standards.

- On April 16, 2015 the President signed legislation to repeal the Medicare sustainable growth-rate (SGR) formula for paying doctors. Included in this legislation is a repeal, effective in 2018, of the existing penalty structure for those not participating in meaningful use. These penalties, which by 2019 were to be as high as 5% of Medicare payments, will be replaced with an incentive payment program designed to focus the fee-for service system on providing value and quality. This incentive payment program, called the Merit-Based Incentive Payment System (MIPS), consolidates three existing incentive programs. MIPS will assess physicians in four categories:
 - Quality
 - Resource Use
 - Meaningful Use
 - Clinical Practice Improvement Activities

Based on a provider's performance, this system will adjust their Medicare payments with either negative adjustments (which will grow from 4% in 2019 to as high as 9% by 202) or positive adjustments of up to three times the negative adjustment amounts.

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