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Denied An EHR Incentive Payment? Appeal

As dollars are distributed under CMS' EHR incentive programs, the agency is establishing an appeals process for applicants that don't make the grade.

By **Nicole Lewis** InformationWeek
October 05, 2011 02:48 PM

The Centers for Medicare and Medicaid Services (CMS) has awarded a \$2.25 million contract to Provider Resources of Erie, Pa., to establish the Medicare EHR Incentive Administrative Appeals process for eligible hospitals (EH) and eligible professionals (EP) that want to appeal a decision when they fail to meet Meaningful Use or other requirements as they apply for payments under the incentive program.

Officials at both CMS and Provider Resources declined to answer InformationWeek Healthcare's questions on how many applicants for Medicare EHR incentives have been rejected, how long the appeals process will take, or how the appeals process will work.



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Slideshow: 12 Advances In Medical Robotics

CMS spokesperson, Joe Kuchler, said in a short statement:

"As you note, CMS just recently announced a contract for development of an appeals process for decisions affecting providers under the Medicare and Medicaid Electronic Health Record (EHR) Incentive Programs. Development of the appeals process is underway, but it would be premature to discuss particular aspects at this time. The appeals process is scheduled to become operational on November 1, 2011."

Kuchler also said the agency will announce further details in the coming weeks on its [website](#).

[Legally, EHRs are double-edged swords: They protect clinicians from malpractice litigation but also put them at greater risk. See [Will Your EHR Land You In Court?](#)]

Under the [contract](#), awarded Sept. 22, Provider Resources will assist CMS in the development of a system and infrastructure to support the Medicare EHR Incentive Administrative Appeals process; identify, analyze, and develop tools for challenges within the Medicare EHR Incentive Administrative Appeals process; and work with internal and external partners and healthcare stakeholders to perform outreach regarding the new appeals process.

As of Aug. 31, CMS estimates that the Medicare EHR Incentive Program has paid more than \$264 million. Additionally, more than \$389 million has been paid in Medicaid EHR incentives since the program began in January. CMS figures also show that under the incentive programs there are 90,650 active registrations of eligible

professionals and eligible hospitals. CMS has said that it will distribute up to \$27 billion in incentive payments during the next decade as a way to encourage healthcare delivery organization to adopt electronic health records.

"This is a positive development. With billions in incentive payments going out the door over the next few years, an appeals process helps to ensure that eligible hospitals and eligible professionals receive the

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correct amounts due," Sharon Canner, senior director of Advocacy at the College of Healthcare Information Management Executives (CHIME), told *InformationWeek Healthcare*. "Hopefully [the appeals process] will provide an avenue for those who feel there were mistakes during the attestation process to correct them. Additionally, the process of [establishing] an appeals mechanism may help CMS identify other areas of administrative need within the EHR incentive payments program."

Dave Roberts, vice president of government relations at the Healthcare Information and Management Systems Society (HIMSS), welcomed the news, saying an appeals process was one of the items that HIMSS and six other organizations highlighted in a [letter](#) recently sent to the Department of Health and Human Services Secretary Kathleen Sebelius. The letter was sent after Sebelius asked healthcare organizations for suggestions to help eligible providers and hospitals achieve greater success at meeting the requirements of Meaningful Use Stage 1 and the HHS Certification Process.

Not every application is ready for the cloud, but two case studies featured in the new, all-digital issue of InformationWeek Healthcare offer some insights into what does work. Also in this issue: Keeping patient data secure isn't all that hard. But proposed new regulations could make it a lot harder. [Download it now.](#) (Free with registration.)

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