

MGMA urges CMS to modify e-prescribing penalty process

In a [letter to the Centers for Medicare & Medicaid Services \(CMS\)](#), MGMA called on the agency to modify the Medicare e-prescribing incentive program policies to avoid unfairly penalizing eligible professionals (EPs) in 2012 and 2013. In addition, MGMA recommended CMS harmonize this e-prescribing penalty process with the Medicare and Medicaid EHR incentive program to resolve the major payment inconsistencies many e-prescribers face.

Currently, the e-prescribing program requires EPs to report the successful transmission on claims of a minimum of 10 e-prescriptions within the first six months of 2011 in order to avoid a 2012 penalty. EPs must submit 25 e-prescriptions via claims, registry or EHR by the end of 2011 to receive the 2011 bonus and avoid the 2013 penalties.

These requirements are not harmonized with the EHR incentive program's requirement that an EP attest to meeting e-prescribing thresholds for the first year of the program. Because of this inconsistency, it is possible for an EP to earn incentives through the EHR incentive program but still be penalized through the e-prescribing program for submitting the same number of e-prescriptions.

MGMA raised additional concerns about the application of payment adjustments on certain specialty physicians. These include physicians paid by Medicare Part B for drugs provided in their offices and not transmitted to a pharmacy, and physicians with low prescribing volumes.

To align these Medicare incentive programs and avoid unfairly penalizing EPs, MGMA called on CMS to:

- Recognize that EPs who have attested to meeting the stage I meaningful use criteria required under the EHR incentive program in 2011 would not be subject to any e-prescribing penalties in 2012 or 2013;
- Include additional exception categories so that more EPs and other healthcare professionals will be eligible for an exemption from the e-prescribing penalties in 2012 and 2013; and
- Extend the 2011 e-prescribing reporting period so that physicians can report the e-prescribing G-code, G8553, at least 10 times for applicable Medicare office visits and services during the first 10 months of 2011 (Jan. 1, 2011-Oct. 31, 2011) to avoid a penalty in 2012.

Learn more about this program on our [E-prescribing resource page](#).