



TennCare is now ready for the Flex Rule

TennCare is now ready to accept provider attestations whereby providers are allowed to use one of the flexibility options permitted under the CMS *Final Rule*, 79 52910 September 4, 2014 (aka, The Flex Rule). Providers may use one of the available options if they were **unable to fully implement** their 2014 Certified Electronic Health Technology (CEHRT) system **due to an availability delay**.

An availability delay may be

- A vendor software development delay
- A vendor missing of delayed software updates
- The provider is able to implement 2014 Edition CEHRT for only a part of the reporting period (instead of the entire reporting period)
- The provider is
 - Unable to train staff
 - Conduct testing of the new system
 - Establish new workflows
- The provider is unable to meet the Stage 2 Summary of Care Records Transmission requirement

An availability delay is NOT

- Providers who did not fully implement a 2014 Edition CEHRT due to financial reasons, such as costs associated with implementing, upgrading, installing, testing, or other similar financial issues
- Issues relates to the MU objectives and measures (**except** the Stage 2 Summary of Care noted above) do not constitute an inability to fully implement a 2014 Edition CEHRT
- Staff changes and turnover
- Situations stemming from a provider's inaction or delay in implementing a 2014 Edition CEHRT

What are my options?

Go to our [web site](#) to see the CMS newsletter. Additional resources include

- [CEHRT Interactive Decision Tool](#)

- [2014 CEHRT Flexibility Chart](#)
- [2014 CEHRT Rule Quick Guide](#)

How do I prove I was not able to fully implement my 2014 Edition CEHRT?

Documentation will vary according to each provider's reason for the delay. You should include any communication with your vendor regarding delays in 2014 Edition CEHRT availability, installation, or completion; or date-specific documentation showing when the software or equipment was installed, along with a forecast of time needed to train staff in usage, or the establishment of new workflows, including an explanation of why the time was inadequate. **At this time, TennCare is not requiring you to upload your documentation to your 2014 Program Year attestation. However, you must maintain your documentation on file in your business office for six (6) years following the attestation year.** You must be able to provide the documentation should you be chosen for an audit. The best rule of thumb is to document everything.

One other alternative

CMS announced in October 23rd, that it was re-opening the hardship application process for those unable to attest. You **must meet both** of the following requirements:

- The provider was unable to attest by July 1, 2014 (for eligible hospitals) or October 1, 2014 (for eligible professionals) **AND**
- The provider has been unable to full implement 2014 Edition CEHRT by the dates above due to delays in 2014 Edition CEHRT availability.

For the hardship exception application and more information, go to [Payment Adjustments and Hardship Exceptions web page](#). This is a CMS process; for questions or other information, you must contact CMS.

⚡ THE TENNCARE MEDICAID EHR PROVIDER INCENTIVE ⚡
⚡ PROGRAM IS STILL OPEN FOR ENROLLMENT ⚡

The TennCare Medicaid EHR Provider Incentive Program is still open for enrollment of Eligible Professionals (EPs) and Eligible Hospitals (EHs) **through the end of 2016**. The purpose of this program is to encourage and incentivize eligible providers to adopt and use in a meaningful way Certified Electronic Health Technology (CEHRT). EPs can receive a total of \$63,750 over a six (6) year period upon meeting the requirements of the program. Pediatricians are eligible to receive a total of \$42,000 over the same time period; the difference being is that pediatricians are allowed to meet a lower patient volume requirement. The incentive amount for EHs is a calculated amount from a base of \$2 million.

Who is eligible to participate?**Eligible Professionals**

- Physicians (both Medical and Osteopathic)
- Dentists
- Certified Nurse Midwives
- Nurse Practitioners
- Physician Assistants (PAs) when practicing in an FQHC or RHC so led by a PA

Eligible Hospitals

- Acute Care Hospitals (where the average length of stay is less than 25 days)
- Critical Access Hospitals (CAHs)
- Children's Hospitals

For more information, please go to our [website](#). In addition to the information presented on that website, we have some PowerPoint presentations that take you step-by-step through the process. Those presentations can be accessed directly by clicking [here](#). You can also contact us by email using the address found in the Contact Information below.



Contact Information

As always, anytime you have a question or need assistance, please feel free to contact us. We will get back to you as quickly as possible.

 **Please be sure to include the provider's name and NPI when contacting us.** 

- ◆ For questions relating to **Meaningful Use (MU)**, send an email to EHRMeaningfuluse.TennCare@tn.gov
- ◆ For **all other questions**, send an email to TennCare.EHRIncentive@tn.gov
- ◆ The **CMS Help Desk** can be reached at 1-888-734-6433.
- ◆ **TennCare Medicaid EHR Incentive Program web site:** http://www.tn.gov/tenncare/ehr_intro.shtml
- ◆ **PowerPoint Presentations** on different subject areas are available here:
http://www.tn.gov/tenncare/ehr_page6.shtml

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