

MEDICARE PROMOTING INTEROPERABILITY PROGRAM HARDSHIP EXCEPTION FACT SHEET

We understand that there may be circumstances, out of your control, that make it difficult for you to meet the Medicare Promoting Interoperability Program requirements. We provide the opportunity to apply for Hardship Exceptions for the Medicare Promoting Interoperability Program.

What Exceptions Can I Apply For?

Eligible hospitals and critical access hospitals (CAHs) can apply for the Medicare Promoting Interoperability Program Hardship Exception.

Medicare Promoting Interoperability Program Hardship Exception Overview

2015 Edition certified electronic health record technology (CEHRT) is required for the Medicare Promoting Interoperability Program (formerly EHR Incentive Program for eligible hospitals and CAHs). Eligible hospitals and CAHs may be exempt from the Medicare downward payment adjustment if they can show that compliance with the requirement for being a meaningful EHR user would result in a significant hardship. Simply lacking CEHRT does not qualify a hospital or CAH for a Hardship Exception.

To be considered for an exception (to avoid a downward payment adjustment), eligible hospitals and CAHs must complete and submit a Hardship Exception Application. If approved, the Hardship Exception is valid for only one payment adjustment year. Eligible hospitals and CAHs would need to submit a new application for subsequent years and no eligible hospital or CAH can be granted an exception for more than 5 years.

Eligible hospitals and CAHs may submit a Medicare Promoting Interoperability Hardship Exception Application citing one of the following specified reasons for review and approval:

- Using decertified EHR technology
- Insufficient Internet connectivity
- Extreme and uncontrollable circumstances
- Lack of control over the availability of CEHRT



If you are an eligible hospital, you must submit an application by July 1, 2019 for CMS to process your Hardship Exception request. The application will be available from May 1, 2019 – July 1, 2019.

If you are a CAH, you must submit an application by November 30, 2019 for CMS to process your Hardship Exception request. The application will be available from May 1, 2019 – November 30, 2019.

How Do I Apply?

The Medicare Promoting Interoperability Program Hardship Exception Application for eligible hospitals for the payment year (PY) 2020 payment adjustment is open from May 1, 2019 – July 1, 2019. The Medicare Promoting Interoperability Program Hardship Exception Application for CAHs for the PY 2018 payment adjustment is open from May 1, 2019 – November 30, 2019.

We have gone paperless for the Promoting Interoperability Hardship Exception Application and you may now electronically submit your Medicare Promoting Interoperability Program Hardship Exception [Application](#).

If an electronic submission is not possible, you may contact the QualityNet Help Desk and work with a representative to verbally submit an application at 1-866-288-8912. Applications are subject to annual renewal.

Frequently Asked Questions

How does a hospital demonstrate meaningful use in order to avoid a payment adjustment?

An eligible hospital demonstrates meaningful use by successfully attesting through either the [QualityNet](#) Secure Portal or through its state's Medicaid Promoting Interoperability Program attestation system.

Will CMS require the submission of supporting documentation along with the hardship exception application?

CMS does not require an eligible hospital or CAH to submit documentation with the Hardship Exception Application. CMS will review the application to record the category selected and use the identifying information for each eligible hospital and CAH listed on the application. Eligible hospitals and CAHs should retain documentation of their circumstances supporting their application for their own records in the event CMS requests an audit.

Can an eligible hospital or CAH that switched CEHRT vendors apply for a hardship exception and avoid a negative payment adjustment?

Yes, if an eligible hospital or CAH switches CEHRT vendors during the reporting period and is unable to demonstrate meaningful use, the eligible hospital or CAH may apply for an Extreme and Uncontrollable Circumstances Hardship Exception within the Promoting Interoperability Hardship Exception Application. For example, if an eligible hospital switched CEHRT vendors in 2018 reporting period and is unable to submit Promoting Interoperability measures during the 2019 submission period, the eligible hospital can apply for an Extreme and Uncontrollable Circumstance category hardship exception, before the Hardship Exception submission deadline.

What if my electronic health record product is decertified?

If your electronic health record (EHR) product is decertified, you can still use that product to submit your Promoting Interoperability Program measures if the reporting period ended before the decertification occurred. If your reporting period ended after the decertification occurred, you can apply for a Promoting Interoperability Program Hardship Exception.