

## Ober|Kaler Healthcare Information Privacy, Security and Technology Bulletin



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### CMS Announces Stage 2 of Meaningful Use to Be Delayed One Year for Eligible Professionals and Hospitals Attesting in 2011

In a [press release dated November 30](#), U.S. Department of Health and Human Services (HHS) Secretary Kathleen Sebelius announced that Stage 2 of the Medicare and Medicaid EHR Incentive Program (also known as the “Meaningful Use” program) will be delayed for one year for providers who attest during 2011. Stage 2 compliance, for those providers, will now be required in 2014, not 2013. The announcement was contained in the body of a “news release” that also noted the effectiveness of EHRs for reducing errors and improving outcomes, described a [CDC study that shows that more and more physicians are adopting EHRs](#), and cited the Obama administration’s commitment to expanding health IT training as a path to job growth.

The announced change will likely be formally made in the notice of proposed rule making providing the Stage 2 requirements, which is expected in the first quarter of 2012. Under current program requirements, eligible professionals and hospitals who attested to Stage 1 compliance in 2011 would be required to attest to compliance with Stage 2 requirements in 2013. Providers who, in the alternative, waited to attest to Stage 1 until 2012 would be permitted to wait until 2014 to attest to Stage 2 compliance. Because Stage 2 requirements have not yet been formally announced (let alone finalized), and because the implementation of

changes or additions to an established EHR technology can be both time and labor intensive, providers who attested late in 2011 faced a significant challenge to adopt and implement Stage 2 requirements in less than a year.

Those providers can now breathe a (qualified) sigh of relief. The extension announced (though not yet formally implemented) will allow providers the time to work the “bugs” out of their Stage 1 implementation before beginning the work necessary to implement Stage 2 requirements. In addition, providers and their trade organizations will have additional time to comment on and request changes to any proposed Stage 2 requirements without a background concern that they are running out of time to implement.

### Ober|Kaler's Comments

Providers should not take the announced extension as tacit permission to “back-burner” health IT concerns. While the extension provides important breathing room for some providers, the schedule for those attesting in 2012 remains unchanged. As many providers have learned, the implementation of a complete EHR technology can involve complicated questions of systems integration, workflow changes, human engineering, and regulatory compliance. For those providers who qualify, this extension provides the chance to get a “jump start” on addressing the challenges Stage 2 may pose. For more information on Stage 2 requirements, interested providers can read our article about the [HIT Policy Committee's recommendations here](#).

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### About Ober|Kaler

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