

495.110 Preclusion on administrative and judicial review.

There is no administrative or judicial review under sections 1869 or 1878 of the Act, or otherwise, of the following:

(a) For EPs -

- (1) The methodology and standards for determining EP incentive payment amounts;
- (2) The methodology and standards for determining the payment adjustments that apply to EPs beginning with 2015;
- (3) The methodology and standards for determining whether an EP is a meaningful EHR user, including -
 - (i) The selection of clinical quality measures; and
 - (ii) The means of demonstrating meaningful EHR use.
- (4) The methodology and standards for determining the hardship exception to the payment adjustments;
- (5) The methodology and standards for determining whether an EP is hospital-based; and
- (6) The specification of the EHR reporting period, as well as whether payment will be made only once, in a single consolidated payment, or in periodic installments.

(b) For eligible hospitals -

- (1) The methodology and standards for determining the incentive payment amounts made to eligible hospitals, including -
 - (i) The estimates or proxies for determining discharges, inpatient-bed-days, hospital charges, charity charges, and Medicare share; and
 - (ii) The period used to determine such estimate or proxy;
- (2) The methodology and standards for determining the payment adjustments that apply to eligible hospitals beginning with FY 2015;
- (3) The methodology and standards for determining whether an eligible hospital is a meaningful EHR user, including -
 - (i) The selection of clinical quality measures; and

(ii) The means of demonstrating meaningful EHR use.

(4) The methodology and standards for determining the hardship exception to the payment adjustments; and

(5) The specification of the EHR reporting period, as well as whether payment will be made only once, in a single consolidated payment, or in periodic installments.