

FREQUENTLY ASKED QUESTIONS

HITECH Act's EHR Incentive Program



■ What is ARRA?

The American Recovery & Reinvestment Act of 2009 (ARRA), which was signed into law by President Obama in February, 2009, aims to stimulate the economy through investments in infrastructure, unemployment benefits, transportation, education, and healthcare. It includes over \$20 billion to aid in the development of a robust IT infrastructure for healthcare and to assist providers and other entities in adopting and using health IT.

■ What does HITECH stand for and what is the HITECH Act?

HITECH is a section of the ARRA and stands for Health Information Technology for Economic and Clinical Health.

■ Who is a Qualified Eligible Professional (EP)?

Medicare: One of five types of professionals authorized to practice under state law and who are not hospital-based: a doctor of medicine or osteopathy, a doctor of dental surgery or dental medicine, a doctor of podiatric medicine, a doctor of optometry, or a chiropractor.

Medicaid: A physician, dentist, certified nurse-midwife, nurse practitioner, or physician assistance practicing in a FQHC or RHC.

■ What is Meaningful Use?

Under the HITECH Act incentive payments are available to Qualified EPs that successfully demonstrate meaningful use of certified EHR technology. The Recovery Act specifies three main components of meaningful use:

1. The use of a certified EHR in a meaningful manner (e.g.: e-Prescribing);
2. The use of certified EHR technology for electronic exchange of health information to improve quality of health care;
3. The use of certified EHR technology to submit clinical quality and other measures.

Meaningful use is to be implemented in three stages over the course of the CMS Medicare and Medicaid EHR Incentive Program commencing with Stage One of Meaningful Use in 2011 with the criteria for remaining stages to be defined later.

■ What is a certified EHR technology?

“Certified EHR technology” is a term created in the ARRA which means a qualified EHR that has been properly certified as meeting the standards of an ONC Authorized Testing and Certification Body. On August 30, 2010, CCHIT became recognized as a Certification Body and began the process of authorizing EHRs for the final certification of Stage 1 criteria. On October 18, 2010, Streamline EHR, Version 10.8 was declared a ONC-ATCB 2011/2012 certified complete EHR.

■ What does Meaningful Use of certified EHR technologies mean to healthcare providers?

Providers can earn a Medicare or Medicaid incentive payment(s) by demonstrating meaningful use of a certified EHR technology.

■ How long do we have to be using the EHR in a “Meaningful” way to participate in EHR incentive programs?

For demonstrating meaningful use through both the Medicare and Medicaid EHR Incentive Programs, the EHR reporting period for an EP's first year is any continuous 90-day period within the calendar year. In subsequent years, the EHR reporting period is the entire calendar year.

■ What is the maximum incentive payment an Eligible Professional (EP) can receive under the Electronic Health Record (EHR) Incentive Program?

EPs who adopt, implement and meaningfully use EHRs can receive a maximum of \$44,000 from Medicare or \$63,750 from Medicaid in incentive payments over a six year period.

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■ **Can EPs receive EHR incentive payments from both the Medicare and Medicaid programs?**

Not for the same year. If an EP meets the requirements of both programs, they must choose to receive an EHR incentive payment under either the Medicare program or the Medicaid program. After a payment has been made, the EP may only switch programs once before 2015.

■ **When and where do I register for the Medicare and Medicaid EHR Incentive Programs?**

Qualified EPs are expected to be able to register for the program in January 2011. The registration process will be the same for the Medicare and Medicaid programs. You will be able to find registration and other program information at www.cms.gov/EHRIncentivePrograms when it becomes available.

■ **How and when will I receive the EHR incentive payment?**

CMS expects that Medicare incentive will begin to be paid in May 2011. Medicaid incentives will be paid by the States and will also begin in 2011 but the timing will vary by State.

■ **What is the earliest date the payment adjustments/penalties will start to be imposed on Qualified EPs?**

Medicare payment adjustments will begin in 2015 for Qualified EPs that do not demonstrate meaningful use of certified EHR technology. There are no payment adjustments associated with the Medicaid provisions under Section 4201 of the American Recovery and Reinvestment Act of 2009.

■ **In a group practice, will each provider need to demonstrate Meaningful Use?**

Yes. Medicare and Medicaid incentive payments are made on a per EP basis, not by practice. Each Qualified EP will need to demonstrate the full requirements of Meaningful Use in order to qualify for the EHR incentive payments.

■ **Do controlled substances qualify as “permissible prescriptions” for meeting the eRx Meaningful Use objective?**

No. The term “permissible prescriptions” refers to the restrictions that were established by the Department of Justice (DOJ) on electronic prescribing (eRx) for controlled substances in Schedule II. (The substances in Schedule II can be found at www.deadiversion.usdoj.gov/schedules/orangebook/e_cs_sched.pdf). Any prescription not subject to these restrictions would be a permissible prescription. Although DOJ recently published an Interim Final Rule that allows the electronic prescribing of these substances, CMS was unable to incorporate these recent guidelines into the Final Rule for the Medicare and Medicaid EHR Incentive Programs. Therefore, the determination of whether a prescription is a “permissible prescription” for purposes of the eRx meaningful use objective should be made based on the guidelines for prescribing Schedule II controlled substances in effect on or before January 13, 2010, when the notice of proposed rulemaking for the Medicare and Medicaid EHR Incentive Program was published in the Federal Register.

■ **If I am receiving payments under the CMS Electronic Prescribing (eRx) Incentive Program, can I also receive payments from the Medicare EHR Incentive Program?**

If the Qualified EP chooses to participate in the Medicare EHR Incentive Program, they cannot participate in the eRx Incentive Program in the same program year. Conversely, if the EP chooses to participate in the Medicaid EHR Incentive Program, they can participate in the Medicare eRx Incentive Program simultaneously.

■ **How will StreamlineMD help me qualify for the EHR Incentive Program?**

StreamlineMD is dedicated to actively supporting its clients in their efforts to achieve Meaningful Use. Consequently, StreamlineMD has hired EHR Meaningful Use Specialists for the sole purpose assisting customers in understanding the requirements of and applying for the EHR Incentive compensation.

Still have questions? Send them to meaningfuluse@streamlinemd.com.