

New Regulations Propose a Definition of 'Meaningful Use'

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On December 30, 2009, the Centers for Medicare & Medicare Services (CMS) and the Office of the National Coordinator for Health Information Technology (ONC) issued interim final rules necessary to implement electronic health record (EHR) incentive programs enacted under the American Recovery and Reinvestment Act of 2009. The ONC rule sets initial standards, implementation specifications, and certification criteria for EHR technology. The CMS rule provides a long-awaited definition of the concept of "meaningful use" of EHR technology. Both regulations are open to public comment.

The ONC Rule

The ONC rule calls for the industry to standardize the way in which EHR information is exchanged between organizations, and sets forth criteria required for an EHR technology to be certified. These standards will support meaningful use and data exchange among providers who must use certified EHR technology to qualify for Medicare and Medicaid incentives.

The proposed rule relies heavily on existing standards for the interoperability of health information technologies, including those established and/or promoted by Health Level 7, Inc. (HL7), the National Institute of Standards and Technology (NIST), and Integrating the Healthcare Enterprise (IHE). The standards also rely on existing classification and nomenclature systems including SNOMED CT, ICD-9 and 10, X12, LOINC, NCPDP, and RxNorm.

There is a 60 day comment period.

The CMS Rule

CMS' proposed regulation defines and specifies how to demonstrate 'meaningful use' of EHR technology, which is a prerequisite for receiving incentive payments. The rule also outlines proposed payment methodologies for the Medicare and Medicaid EHR incentive programs.

The proposed criteria for meaningful use focus on electronically capturing health information in a coded format, using that information to track key clinical conditions, communicating that information for care coordination purposes, and initiating the reporting of clinical quality measures and public health information.

The criteria are based on a series of specific objectives, each of which is tied to a proposed measure that all eligible professionals and hospitals must meet in order to demonstrate that they are meaningful users of certified EHR technology. For Stage 1, which begins in 2011, CMS proposes 25 objectives/measures for eligible professionals and 23 objectives/measures for eligible hospitals that must be met to be deemed a meaningful EHR user.

CMS' proposed rule may be viewed at http://www.cms.hhs.gov/Recovery/11_HealthIT.asp. There is a 60 day comment period.

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