

FREQUENTLY ASKED QUESTIONS ON HITECH PROVIDER INCENTIVES UNDER MEDICARE

Physician Medicare Payment Incentives under the HITECH Act

What is Certified Electronic Health Record (EHR) technology?

Certified EHR technology is defined as a qualified electronic health record that is certified as meeting the standards applicable to the setting (eg. ambulatory or hospital-based) as adopted by the Office of the National Coordinator for Health Information Technology (ONCHIT). Products certified by the Certification Commission for Health Information Technology (CCHIT) are likely to meet this definition.

What is the difference between “certified” EHR technology and “qualifying” EHR technology?

A qualified electronic health records means in electronic record of health-related information on an individual that includes patient demographic and clinical health information and has the capacity to:

- Provide clinical decision support.
- Support physician order entry.
- Capture and query information relevant to health care quality.
- Exchange electronic health information with and integrate such information from other sources.

The new law addresses “qualifying EHR technology” to outline the functionality that is required in order for an EHR to meet the necessary requirements to qualify for incentives under the HITECH Act. For practice settings where certification has been established, it is required that they meet the standards applicable for that setting. For practice settings where certification has NOT been established, their EHR must contain all of the functionality outlined in the definition of a “qualifying” EHR technology.

What is “meaningful use” and who determines it?

There are three base requirements for “meaningful use” identified in the new law, including:

- Use of certified or qualified EHR technology.
 - Electronic exchange of health information
 - Use of EHR in reporting on clinical and other quality measures
- Federal law gives states some leeway for determining the definition of “meaningful use” for the purpose of determining eligibility for Medicaid incentives. In Minnesota, the Minnesota Department of Health will lead the process to define “meaningful use” and meet Minnesota and federal priorities

What health care professionals are eligible for Medicare incentives under the HITECH Act?

Under the HITECH Act, an eligible professional is defined as, “a physician, as defined in section 1861(r)” of the Social Security Act. These professionals include:

- Physicians
- Dentists
- Podiatrists
- Optometrists
- Chiropractors

SSA Section 1851 (r): The term “physician”, when used in connection with the performance of any function or action, means (1) ***a doctor of medicine or osteopathy*** legally authorized to practice medicine and surgery by the State in which he performs such function or action (including a physician within the meaning of section 1101 (a)(7)), (2) ***a doctor of dental surgery or of dental medicine*** who is legally authorized to practice dentistry by the State in which he performs such function and who is acting within the scope of his license when he performs such functions, (3)



a doctor of podiatric medicine for the purposes of subsections (k), (m), (p)(1), and (s) of this section and sections 1814(a), 1832(a)(2)(F)(ii), and 1835 but only with respect to functions which he is legally authorized to perform as such by the State in which he performs them, (4) a doctor of optometry, but only for purposes of subsection (p)(1) with respect to the provision of items or services described in subsection (s) which he is legally authorized to perform as a doctor of optometry by the State in which he performs them, or (5) a chiropractor who is licensed as such by the State (or in a State which does not license chiropractors as such, is legally authorized to perform the services of a chiropractor in the jurisdiction in which he performs such services), and who meets uniform minimum standards promulgated by the Secretary, but only for the purpose of sections 1861(s)(1) and 1861(s)(2)(A) and only with respect to treatment by means of manual manipulation of the spine (to correct a subluxation) which he is legally authorized to perform by the State or jurisdiction in which such treatment is provided. For the purposes of section 1862(a)(4) and subject to the limitations and conditions provided in the previous sentence, such term includes a doctor of one of the arts, specified in such previous sentence, legally authorized to practice such art in the country in which the inpatient hospital services (referred to in such section 1862(a)(4)) are furnished.

What do physicians need to do to qualify for Medicare Payment Incentives outlined in the HITECH Act?

Physicians applying for incentives must demonstrate that they are “meaningful users” of certified EHR technology. This currently includes at a minimum, electronic prescribing, and may eventually include ability to electronically exchange health information to improve quality of care, and submission of clinical quality measures.

How will physicians be able to prove that they are “meaningful users”?

Demonstration of meaningful use and information exchange may be satisfied by: 1) an attestation, 2) submission of claims with appropriate coding, 3) survey response, 4) reporting of clinical quality measures, and 5) other means to be specified.

How soon will Medicare incentive funds be available, and how long will they last?

Incentive payments become available in the Federal Fiscal Year 2011, which starts on October 1, 2010. Incentive payments end entirely by 2016.

How much money can physicians expect to receive in HITECH Medicare incentives?

The amount of the incentives a physician can expect to receive will vary depending on how soon they are able to demonstrate they are “meaningful users” of electronic health records. Physicians demonstrating “meaningful use” by 2011 or 2012 may collect a maximum of \$44,000 over a 5 year period.* No incentives are available to those adopting after 2014.

	Adopt 2011	Adopt 2012	Adopt 2013	Adopt 2014
2011	\$18K	-	-	-
2012	\$12K	\$18K	-	-
2013	\$8K	\$12K	\$15K	-
2014	\$4K	\$8K	\$12K	\$12K
2015	\$2K	\$4K	\$8K	\$8K
2016	\$0	\$2K	\$4K	\$4K
2017	\$0	\$0	\$0	\$0
TOTAL	\$44K	\$44K	\$39K	\$24K

*Those in a shortage area may collect an additional 10% for a total \$48,400



For more information: www.health.state.mn.us/e-health

Are there penalties if you choose not to adopt an EHR?

Physicians who have not adopted an EHR by 2015 will receive a 1% payment reduction, followed by 2% in 2016 and 3% in 2017.

How does the government coordinate payments with Medicaid incentives?

Medicaid Incentive payments will be available under Medicaid for providers with a qualifying percentage of Medicaid patient volume (30% for acute care clinics, 20% for pediatricians). Physicians must elect to receive either Medicare or Medicaid incentive payments. They may not receive both.

Will physicians working in multiple practices be able to receive multiple incentive payments?

Payments to physicians who practice at more than one site will be coordinated and will not be duplicative.

If I have already adopted an EHR, am I still eligible for the incentives?

If you have already adopted an EHR, you still may be eligible to receive incentive payments provided that:

1. Your EHR is qualified, and certified if applicable.
2. You are able to demonstrate the criteria for “meaningful use” of a certified system.

My practice is owned by a hospital; can we still receive health IT incentive funds?

Physicians whose practice is solely hospital-based (such as ER physicians, anesthesiologists, and pathologists) are not eligible for incentive funds, as the hospital incurs the EHR system expense. However, if your hospital-owned practice does not provide substantially all its services in the hospital setting, you would be eligible for incentive payments. The law also contains incentives for hospital adoption of health IT. Be sure to check with your hospital administration to see how these incentives may affect your practice.

