



## Electronic Health Record (EHR) Incentive Program FAQs

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# I. Questions about Getting Started

## *EHR Incentive Programs 101*

### **1) When do the Medicare and Medicaid Electronic Health Record (EHR) Incentive Programs start?**

Participation in the Medicare EHR Incentive Program can begin as early as 2011; The incentive program ends in 2016. Registration for the Medicare EHR Incentive Program began on January 3, 2011 and is available online at <https://ehrincentives.cms.gov>. Attestation is expected to begin in April 2011. The earliest incentive payments to eligible professionals (EPs) and eligible hospitals are expected to be made in May 2011.

Please note that although the Medicaid EHR Incentive Programs will begin January 3, 2011, not all states will be ready to participate on this date. The program will end in 2021. Information on when registration will be available for Medicaid EHR Incentive Programs in specific States is posted at [http://www.cms.gov/EHRIncentivePrograms/40\\_MedicaidStateInfo.asp](http://www.cms.gov/EHRIncentivePrograms/40_MedicaidStateInfo.asp). Participants in the Medicaid EHR Incentive Program should consult their State for specific information regarding attestation and payment.

Date Updated: 2/17/2011

ID #10080

### **2) How will eligible professionals (EPs) and eligible hospitals apply for incentives under the Medicare and Medicaid Electronic Health Record (EHR) Incentive Program?**

Registration for the Medicare EHR Incentive Program began on January 3, 2011 and is available online at <https://ehrincentives.cms.gov>. Please note that although the Medicaid EHR Incentive Programs will begin January 3, 2011, not all states will be ready to participate on this date. Information on when registration will be available for Medicaid EHR Incentive Programs in specific States is posted at [http://www.cms.gov/EHRIncentivePrograms/40\\_MedicaidStateInfo.asp](http://www.cms.gov/EHRIncentivePrograms/40_MedicaidStateInfo.asp).

Date Updated: 1/3/2011

ID #9814

### **3) When can I register and where do I register for the Medicare and Medicaid Electronic Health Record (EHR) Incentive Programs?**

Registration for the Medicare EHR Incentive Program began on January 3, 2011 and is available for eligible professionals (EPs), eligible hospitals and critical access hospitals (CAHs) online at <https://ehrincentives.cms.gov>. Please note that although the Medicaid EHR Incentive Programs will begin January 3, 2011, not all states will be ready to participate on this date. Information on when registration will be available for Medicaid EHR Incentive Programs in specific States is posted at [http://www.cms.gov/EHRIncentivePrograms/40\\_MedicaidStateInfo.asp](http://www.cms.gov/EHRIncentivePrograms/40_MedicaidStateInfo.asp).

Date Updated: 2/17/2011  
ID #10081

**4) If a hospital is eligible to participate in both the Medicare and Medicaid EHR Incentive Programs, how should they register?**

If your hospital meets all of the following qualifications, it is dually-eligible for the Medicare and Medicaid EHR Incentive Programs:

- You are a subsection(d) hospital in the 50 U.S. States or the District of Columbia, or you are a Critical Access Hospital (CAH); and
- You have a CMS Certification Number ending in 0001-0879 or 1300-1399; and
- You have 10% of your patient volume derived from Medicaid encounters.

If your hospital falls into this category, you must register for "Both Medicare & Medicaid" when registering for the program. Please select your state from the drop-down menu on the registration screen. If your state's program has not yet launched at the time of your registration, your file will be placed into a pending status (which means you cannot complete the eligibility verification or get paid) until your state's program launches. For a list of expected program launch dates, please go to <http://www.cms.gov/apps/files/statecontacts.pdf>.

Date Updated: 12/29/2010  
ID #10317

**5) Do I need to have an electronic health record (EHR) system in order to register for the Medicare and Medicaid EHR Incentive Programs?**

You do not need to have a certified EHR in order to register for the Medicare and Medicaid EHR Incentive Programs. However, to receive an incentive payment under the Medicare program, you must attest that you have demonstrated meaningful use of certified EHR technology during the EHR reporting period. For the first year of payment, the EHR reporting period is 90 consecutive days within the calendar year for eligible professionals (EPs) or within the Federal fiscal year for eligible hospitals and critical access hospitals (CAHs).

With regard to the Medicaid EHR Incentive program, for the first year of payment, EPs and hospitals must have adopted, implemented, upgraded certified EHR technology before they can receive an EHR incentive payment from the State. As an alternative to demonstrating that they have adopted, implemented or upgraded certified EHR technology, for the first year of payment, the EP or hospital may demonstrate that they are meaningful users of certified EHR technology for the 90-day EHR reporting period.

Date Updated: 8/17/2010  
ID #10083

**6) What is meaningful use, and how does it apply to the Medicare and Medicaid Electronic Health Record (EHR) Incentive Programs?**

Under the Health Information Technology for Economic and Clinical Health (HITECH Act), which was enacted under the American Recovery and Reinvestment Act of 2009 (Recovery Act), incentive payments are available to eligible professionals (EPs), critical access hospitals, and eligible hospitals that successfully demonstrate are meaningful use of certified EHR technology.

The Recovery Act specifies three main components of meaningful use:

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

In the final rule Medicare and Medicaid EHR Incentive Program, CMS has defined stage one of meaningful use.

To view the final rule, please visit: <http://edocket.access.gpo.gov/2010/pdf/2010-17207.pdf>.

Date Updated: 2/17/2011

ID #10084

**7) Where can I get answers to my privacy and security questions about electronic health records (EHRs)?**

The Office for Civil Rights (OCR) is responsible for enforcing the Privacy and Security rules related to the HITECH program. More information is available at OCR's website at <http://www.hhs.gov/ocr/>.

Date Updated: 2/17/2011

ID #10092

**8) When can eligible professionals (EPs), eligible hospitals, and critical access hospitals (CAHs) begin to attest to meaningful use of certified electronic health record (EHR) technology for the purposes of the Medicare and Medicaid EHR Incentive Program?**

The earliest an EP, eligible hospital, or CAH can attest to CMS that they have demonstrated meaningful use of certified EHR technology under the Medicare EHR Incentive Program is April 2011. Participants under the Medicaid EHR Incentive Program should check with their State to find out when they can begin participation. Under the Medicaid EHR Incentive Program, providers can attest that they have adopted, implemented, or upgraded certified EHR technology in their first year of participation to receive an incentive payment.

Date Updated: 9/27/2010

ID #10147

**9) Do providers register only once for the Medicare and Medicaid Electronic Health Record (EHR) Incentive Programs, or must they register every year?**

Providers are only required to register once for the Medicare and Medicaid EHR Incentive Programs. However, they must successfully demonstrate that they have either adopted, implemented or upgraded (first participation year for Medicaid) or meaningfully used certified EHR technology each year in order to receive an incentive payment for that year. Additionally, providers seeking the Medicaid incentive must annually re-attest to other program requirements, such as meeting the required patient volume thresholds. Providers will register using the Medicare and Medicaid EHR Incentive Program Registration & Attestation System, a web-based system. Providers who have elected to participate in the Medicare EHR Incentive Program will also use this system to attest to their program eligibility and meaningful use. Providers who select the Medicaid EHR Incentive Program will demonstrate their eligibility and attest via their State Medicaid Agency's system. If any basic registration information changes, the provider will need to update their information in the Medicare and Medicaid EHR Incentive Program Registration & Attestation System.

Date Updated: 9/24/2010  
ID #10140

**Payment Questions**

**10) When will the Centers for Medicare & Medicaid Services (CMS) begin to pay Medicare and Medicaid electronic health record (EHR) incentives to eligible professionals (EPs) and hospitals the demonstration of meaningful use of certified EHR technology?**

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. Under the Medicaid EHR Incentive Program, incentives can also be paid for the adoption, implementation, or upgrade of certified EHR technology.

Date Updated: 7/30/2010  
ID #9807

**11) Can eligible professionals (EPs) receive electronic health record (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.

Date Updated: 7/30/2010  
ID #9808

**12) What if my electronic health record (EHR) system costs much more than the incentive the government will pay? May I request additional funds?**

The Medicare and Medicaid EHR Incentive Programs provide incentives for the meaningful use of certified EHR technology. Under the Medicaid program, there is also an incentive for the adoption, implementation, or upgrade of certified EHR technology in the first year of participation. The incentives are not a reimbursement of costs, and maximum payments have been set.

**Date Updated:** 7/30/2010  
**ID #9812**

**13) Do recipients of Medicare or Medicaid electronic health record (EHR) incentive payments need to file reports under Section 1512 of the American Recovery and Reinvestment Act of 2009 (Recovery Act)? Section 1512 of the Recovery Act outlines reporting requirements for use of funds.**

No. The Medicare and Medicaid EHR incentive payments made to providers are not subject to Recovery Act 1512 reporting because they are not made available from appropriations made under the Act; however, the Health Information Technology for Clinical and Economic Health (HITECH) Act does require that information about eligible professionals (EPs), eligible hospitals and CAHs participating in the Medicare fee-for-service (FFS) or Medicare Advantage (MA) EHR incentive programs be posted on our website.

**Date Updated:** 2/17/2011  
**ID #10073**

**14) How much are the Medicare and Medicaid Electronic Health Record (EHR) incentive payments to eligible professionals (EPs)?**

Under the Medicare EHR Incentive Program, EPs who demonstrate meaningful use of certified EHR technology can receive up to a total of \$44,000 over 5 consecutive years. Additional incentives are available for Medicare EPs who practice in a Health Provider Shortage Area (HPSA) and meet the maximum allowed charge threshold. Under the Medicaid EHR Incentive Program, EPs can receive up to a total \$63,750 over the 6 years that they choose to participate in program. EPs may switch once between programs after a payment has been made and only before 2015.

**Date Updated:** 2/17/2011  
**ID #10089**

**15) Are there any special incentives for rural providers in the Medicare and Medicaid Electronic Health Record (EHR) Incentive Programs?**

Under the Medicare EHR Incentive Program, the maximum allowed charge threshold for the annual incentive payment limit for each payment year will be increased by 10 percent for eligible professionals (EPs) who predominantly furnish services in a rural or urban geographic Health Professional Shortage Area (HPSA). Critical access hospitals (CAHs) can receive an incentive payment amount equal to the product of its reasonable costs incurred for the purchase of certified EHR technology and the Medicare share percentage. Under the Medicaid EHR

Incentive Program, there are no additional incentives for rural providers, beyond the incentives already available.

**Date Updated: 2/17/2011**

**ID #10090**

#### **16) How and when will incentive payments for the Medicare Electronic Health Record (EHR) Incentive Programs be made?**

For eligible professionals (EPs), incentive payments for the Medicare EHR Incentive Program will be made approximately four to eight weeks after an EP successfully attests that they have demonstrated meaningful use of certified EHR technology. However, EPs will not receive incentive payments within that timeframe if they have not yet met the threshold for allowed charges for covered professional services furnished by the EP during the year. Payments will be held until the EP meets the \$24,000 threshold in allowed charges for the calendar year in order to maximize the amount of the EHR incentive payment they receive. Medicare EHR incentive payments are based on 75% of the estimated allowed charges for covered professional services furnished by the EP during the entire calendar year. If the EP has not met the \$24,000 threshold in allowed charges by the end of calendar year, CMS expects to issue an incentive payment for the EP in March of the following year (allowing two months after the end of the calendar year for all pending claims to be processed).

Payments to Medicare EPs will be made to the taxpayer identification number (TIN) selected at the time of registration, through the same channels their claims payments are made. The form of payment (electronic funds transfer or check) will be the same as claims payments.

Bonus payments for EPs who practice predominantly in a geographic Health Professional Shortage Area (HPSA) will be made as separate lump-sum payments no later than 120 days after the end of the calendar year for which the EP was eligible for the bonus payment.

Medicare EHR incentive payments to eligible hospitals and critical access hospitals (CAHs) will also be made approximately four to eight weeks after the eligible hospital or CAH successfully attests to having demonstrated meaningful use of certified EHR technology. Eligible hospitals and CAHs will receive an initial payment and a final payment. Final payment will be determined at the time of settling the hospital cost report. CAHs will be paid after they submit their reasonable cost data to their Medicare Administrative Contractor (MAC).

Please note that the Medicaid incentives will be paid by the States, but the timing will vary according to State. Please contact your State Medicaid Agency for more details about payment.

**Date Updated: 2/7/2012**

**ID #10160**

**17) Are payments from the Medicare and Medicaid Electronic Health Record (EHR) Incentive Programs subject to federal income tax?**

We note that nothing in the Act excludes such payments from taxation or as tax-free income. Therefore, it is our belief that incentive payments would be treated like any other income. Providers should consult with a tax advisor or the Internal Revenue Service regarding how to properly report this income on their filings.

**Date Updated:** 9/27/2010

**ID #10138**

**18) In order to receive payments under the Medicare and Medicaid Electronic Health Record (EHR) Incentive Programs, does a provider have to be enrolled in the Provider Enrollment, Chain, and Ownership System (PECOS)?**

In order to receive Medicare EHR incentive payments, EPs, eligible hospitals, and critical access hospitals must have an enrollment record in PECOS. Medicaid EPs do not have to be in PECOS.

There are three ways to verify that you have an enrollment record in PECOS:

1. Check the Ordering Referring Report on the CMS website. If you are on that report, you have a current enrollment record in PECOS. Go to <http://www.cms.gov/MedicareProviderSupEnroll>, click on "Ordering Referring Report" on the left.
2. Use Internet-based PECOS to look for your PECOS enrollment record. If no record is displayed, you do not have an enrollment record in PECOS. Go to <http://www.cms.gov/MedicareProviderSupEnroll>, click on "Internet-based PECOS" on the left.
3. Contact your designated Medicare enrollment contractor and ask if you have an enrollment record in PECOS. Go to <http://www.cms.gov/MedicareProviderSupEnroll>, click on "Medicare Fee-For-Service Contact Information" under "Downloads."

If you are not in PECOS, the best way to submit your application is through internet-based PECOS. For more information go to:

[http://questions.cms.hhs.gov/app/answers/detail/a\\_id/10038/kw/pecos/session/L3NpZC9qeG1GdDliaw%3D%3D](http://questions.cms.hhs.gov/app/answers/detail/a_id/10038/kw/pecos/session/L3NpZC9qeG1GdDliaw%3D%3D)

Indian Health Service (IHS) providers who submit a paper CMS-855 will have their enrollment information entered into PECOS.

**Date Updated:** 9/29/2010

**ID #10154**

**Other Getting Started Questions**

**19) Can eligible professionals (EPs) allow another person to register or attest for them?**

Last Updated: February 2012

Yes. Users registering or attesting on behalf of an EP must have an Identity and Access Management System (I&A) web user account (User ID/Password) and be associated to the EP's NPI. If you are working on behalf of an EP(s) and do not have an I&A web user account, please visit <https://nppes.cms.hhs.gov/NPPES/IASecurityCheck.do> to create one.

Date Updated: 2/22/2011  
ID #10565

**20) Is there an assumption or expectation from CMS that States identify local Regional Extension Centers (RECs) as adoption entities for the Medicaid EHR Incentive Program?**

States are not required to identify RECs as EHR adoption entities. Under the Medicaid EHR Incentive Program, it is entirely up to States to determine who they wish to designate as a permissible adoption entity, if any, in accordance with CMS regulations at 495.310(k) and 495.332(c)(9). It is entirely voluntary for an eligible professional to choose to reassign his/her incentive payments to a State-designated adoption entity.

Date Updated: 3/28/2011  
ID #10521

**21) Do providers have to contribute a minimum dollar amount toward their certified EHR technology for the Medicare and Medicaid Electronic Health Record (EHR) Incentive Programs?**

There is no general requirement under the Medicare and Medicaid EHR Incentive Programs for providers to contribute a minimum dollar amount toward the certified EHR technology that they use.

The Medicare and Medicaid EHR Incentive Programs provide incentives to eligible professionals (EPs), eligible hospitals, and critical access hospitals (CAHs) for the meaningful use of certified EHR technology. Under the Medicaid program, EPs and eligible hospitals may receive an incentive for the adoption, implementation, or upgrade of certified EHR technology in their first year of participation. The incentives are not a reimbursement of costs, and providers are not required to contribute a minimum amount toward the purchase or maintenance of their certified EHR technology in order to participate in the EHR Incentive Programs.

In addition, physicians must comply with the Physician Self-Referral Law, commonly referred to as the "Stark Law." Under the EHR exception to the Stark Law, physicians who receive a donation of EHR items and services from a DHS entity must satisfy each element of the exception at 42 CFR 411.357(w), which includes paying 15 percent of the donor's cost for the items and services.

Date Updated: 10/20/2011  
ID #10840

**22) Will the CMS communications plan include “key messages” that States should incorporate into their statewide communications materials concerning the Medicaid EHR Incentive Program?**

CMS has already developed a number of products conveying important information about the EHR Incentive Programs that should be used by the States in their own communications and outreach plans. These products can be found at the CMS Medicare and Medicaid EHR Incentive Programs website (<https://www.cms.gov/EHRIIncentivePrograms/>). The biweekly conference calls between the Center for Medicaid, CHIP, and Survey & Certification (CMCS) and the States are another source of information for States' HITECH communications with providers and other stakeholders.

Date Updated: 3/28/2011  
ID #10518

**23) Does CMS intend for States or other organizations to include the new eHR logo and tagline in published statewide materials concerning the Medicaid EHR Incentive Program?**

No, CMS is not requesting that States (or other organizations) use the eHR logo and tagline; however States may request the logo to help identify their program as the “official” source for their state’s Medicaid EHR Incentive Program. Please note that the eHR logo and tagline may only be used by external entities with permission by CMS Office of External Affairs and Beneficiary Services. To request the logo, please submit an email via [logos@cms.hhs.gov](mailto:logos@cms.hhs.gov) to start the process.

Date Updated: 3/28/2011  
ID #10519

**24) Can providers participating in the Medicare or Medicaid EHR Incentive Programs update their information (for example, if an address was mistakenly entered)? If so, will the State receive an update or full refresh of this information for its Medicaid EHR Incentive Program?**

Yes, providers who have registered for the Medicare or Medicaid EHR Incentive Programs may correct errors or update information through the registration module on the CMS registration website (<https://ehrincentives.cms.gov/hitech/login.action>). The updated registration information will be sent to the State.

Date Updated: 3/28/2011  
ID #10516

**25) How will I attest for the Medicare and Medicaid Electronic Health Record (EHR) Incentive Programs?**

Medicare eligible professionals and eligible hospitals will have to demonstrate meaningful use through CMS’ web-based Medicare and Medicaid EHR Incentive Program Registration and Attestation System. In the Registration and Attestation System, providers will fill in numerators and denominators for the meaningful use

objectives and clinical quality measures, indicate if they qualify for exclusions to specific objectives, and legally attest that they have successfully demonstrated meaningful use. Once providers have completed a successful online submission through the Attestation System, they will qualify for a Medicare EHR incentive payment. The Attestation System for the Medicare EHR Incentive Program will open in April. CMS plans to release additional information about the attestation process soon.

For the Medicaid EHR Incentive Program, providers will follow a similar process using their State's Attestation System. Check here to see states' scheduled launch dates for their Medicaid EHR Incentive Programs: <http://www.cms.gov/apps/files/medicaid-HIT-sites/>.

**Date Updated:** 2/24/2011  
**ID #10463**

**26) For large practices, will there be a method to register all of the Eligible Professionals (EPs) at one time for the Medicare or Medicaid Electronic Health Record (EHR) Incentive Programs? Can EPs allow another person to register or attest for them?**

In April 2011, CMS implemented functionality that allows an EP to designate a third party to register and attest on his or her behalf. To do so, users working on behalf of an EP must have an Identity and Access Management System (I&A) web user account (User ID/Password) and be associated to the EP's NPI.

If you are working on behalf of an EP(s) and do not have an I&A web user account, please visit <https://nppes.cms.hhs.gov/NPPES/IASecurityCheck.do> to create one. States will not necessarily offer the same functionality for attestation in the Medicaid EHR Incentive Program. Check with your State to see what functionality will be offered.

**Date Updated:** 3/7/2011  
**ID #10141**

**27) How will the public know who has received EHR incentive payments under Medicare and Medicaid EHR Incentive Program?**

As required by the American Recovery and Reinvestment Act of 2009, CMS will post the names, business addresses, and business phone numbers of all Medicare eligible professionals, eligible hospitals and critical access hospitals (CAHs) that receive EHR incentive payments. There is no such requirement for CMS to publish information on eligible professionals and eligible hospitals receiving Medicaid EHR incentive payments, though individual States may opt to do so.

To view a list of eligible professionals, eligible hospitals, and CAHs that have received Medicare EHR Incentive Payments, please [http://www.cms.gov/EHRIncentivePrograms/56\\_DataAndReports.asp](http://www.cms.gov/EHRIncentivePrograms/56_DataAndReports.asp). We expect to update this list on a quarterly basis.

**Date Updated:** 11/14/2011

ID #9815

**28) How does CMS define Federally Qualified Health Center (FQHC) and Rural Health Center (RHC) for the purposes of the Medicaid EHR Incentive Program?**

The Social Security Act at section 1905(l)(2) defines an FQHC as an entity which, "(i) is receiving a grant under section 330 of the Public Health Service Act, or (ii)(I) is receiving funding from such a grant under a contract with the recipient of such a grant and (II) meets the requirements to receive a grant under section 330 of the Public Health Service Act, (iii) based on the recommendation of the Health Resources and Services Administration within the Public Health Service, and is determined by the Secretary to meet the requirements for receiving such a grant including requirements of the Secretary that an entity may not be owned, controlled, or operated by another entity; or (iv) was treated by the Secretary, for purposes of Part B of title XVIII, as a comprehensive Federally-funded health center as of January 1, 1990, and includes an outpatient health program or facility operated by a tribe or tribal organization under the Indian Self-Determination Act or by an urban Indian organization receiving funds under Title V of the Indian Health Care Improvement Act for the provision of primary health services."

RHCs are defined as clinics that are certified under section 1861(aa)(2) of the Social Security Act to provide care in underserved areas, and therefore, to receive cost-based Medicare and Medicaid reimbursements.

In considering these definitions, it should be noted that programs meeting the FQHC requirements commonly include the following (but must be certified and meet all requirements stated above): Community Health Centers, Migrant Health Centers, Healthcare for the Homeless Programs, Public Housing Primary Care Programs, Federally Qualified Health Center Look-Alikes, and Tribal Health Centers.

**Date Updated:** 9/17/2010

**ID #10127**

**29) Will EHR Incentive Payments be subject to audits under OMB Circular A-133?**

Incentive payments made to eligible professionals, eligible hospitals and critical access hospitals under the Medicare and Medicaid EHR Incentive Programs are not subject to audit under OMB Circular A-133. However, these payments are subject to audit by the EHR Incentive Programs.

Federal funding received by states following CMS approval of their Health Information Technology Planning Advance Planning Documents (HIT PAPDs) and Health Information Technology Implementation Advance Planning Documents (HIT IAPDs) for the planning and implementation of Medicaid EHR Incentive Programs is subject to audit under OMB Circular A-133. Federal funding that states receive to disburse as Medicaid EHR incentive payments is also subject to audit under OMB Circular A-133.

Additional guidance on how OMB Circular A-133 applies to the Medicare and Medicaid EHR Incentive Programs, will be posted shortly in the Regulations and Notices section of the EHR Incentive Programs website.

**Date Updated: 12/22/2011**  
**ID #10886**

- 30) Under the Medicaid Electronic Health Record (EHR) Incentive Program, can States net or recoup public or private debts owed by the provider from these incentive payments before disbursing to the provider? Can the Centers for Medicare & Medicaid Services net or recoup federal debts from payments made under the Medicare EHR Incentive Program?**

We believe that payments under the Medicare and Medicaid EHR Incentive Programs will be treated like all other income. The incentive payment legal authorities do not supersede any State or Federal laws requiring wage garnishment or debt recoupment. Therefore, if there is a legal basis for the State or Federal government to net or recoup debts then we believe such authority would apply to incentive payments, just as it applies to all other income.

**Date Updated: 9/24/2010**  
**ID #10139**

## **II. Questions about Eligibility for the Programs**

### ***Eligibility Questions for Hospitals***

#### **31) Can a federally-owned Indian Health Service facility qualify as an eligible hospital for the Medicaid EHR Incentive Program?**

Acute care hospitals under the Medicaid EHR Incentive Program must:

- Have an average length of stay of 25 days or fewer; AND
- have a CMS Certification Number (CCN) that ends with a number between 0001-0879 or 1300-1399.

To determine whether an Indian Health Service-owned hospital meets the certification requirements to have a CCN in these ranges, reference should be made to the certification or conditions of participation (see 42 CFR Part 482). Such facilities would also need to have 10% Medicaid patient volume.

**Date Updated: 3/28/2011**

**ID #10530**

#### **32) Can hospitals in the U.S. Territories (Puerto Rico, Guam, Virgin Islands, Northern Mariana Islands, and American Samoa) qualify for the Medicare and Medicaid Electronic Health Record (EHR) Incentive Program?**

Hospitals in the U.S. Territories cannot receive incentive payments under the Medicare EHR Incentive Program. For the purposes of the Medicare EHR Incentive Program, the Social Security Act defines an eligible hospital as a "subsection (d) hospital" that is located in "one of the fifty States or the District of Columbia." This does not include hospitals located in the U.S. territories.

Therefore, hospitals in the U.S. territories do not qualify for the Medicare EHR Incentive Program. However, under the Medicaid EHR Incentive Program, hospitals located in the U.S. Territories are eligible to participate in the Medicaid incentive program as long as they meet all other eligibility requirements.

**Date Updated: 7/30/2010**

**ID #9963**

#### **33) Can hospitals in Washington, D.C. receive the electronic health record (EHR) incentive payments?**

Yes, hospitals in the District of Columbia can receive the Medicare and/or Medicaid EHR incentive payments as long as the hospitals meet the requirements for each program.

**Date Updated: 8/17/2010**

**ID #9964**

## **Eligibility Questions for Providers: Who Can Participate**

### **34) Can Indian Health Service (IHS) clinics or group practices qualify for the panel threshold for the Medicaid EHR Incentive Program?**

Yes, the Indian Health Service (IHS) has managed care and/or primary care patient panels and would be able to qualify for an incentive payment under the Medicaid EHR Incentive Program. Patient panels are very common for IHS clinics and group practices.

**Date Updated:** 3/28/2011

**ID #10525**

### **35) Do Federally Qualified Health Center (FQHC) sites have to meet the 30% minimum Medicaid patient volume threshold to receive payment under the Medicaid EHR Incentive Program?**

Eligible professionals may participate in the Medicaid EHR Incentive Program if: 1) They meet Medicaid patient volume thresholds; or 2) They practice predominantly in an FQHC or Rural Health Clinic (RHC) and have 30% needy individual patient volume. FQHCs and RHCs are not eligible to receive payment under the program. Please contact your State Medicaid agency for more information on which types of encounters qualify as Medicaid/needy individual patient volume.

**Date Updated:** 5/9/2011

**ID #10522**

### **36) Under the Medicaid EHR Incentive Program, is there a minimum number of hours per week that an eligible professional (EP) must practice in order to qualify for an incentive payment? Could a part-time EP qualify for Medicaid incentive payments if the EP meets all other eligibility criteria?**

Yes, a part-time EP who meets all other eligibility requirements could qualify for payments under the Medicaid EHR Incentive Program. There are no restrictions on employment type (e.g., contractual, permanent, or temporary) in order to be a Medicaid eligible professional.

**Date Updated:** 3/28/2011

**ID #10520**

### **37) Can eligible professionals (EPs) in the U.S. Territories (Puerto Rico, Guam, Virgin Islands, Northern Mariana Islands, and American Samoa) qualify for electronic health record (EHR) incentive payments?**

Yes, EPs in the U.S. Territories can receive EHR incentive payments under both the Medicare and Medicaid EHR Incentive Programs as long as they meet the applicable requirements. EPs must choose whether to participate in the Medicare or Medicaid EHR Incentive Program.

**Date Updated:** 7/30/2010

**ID #9965**

**38) Are physicians who are employed directly by a tribally-operated facility and who meet all other eligibility requirements eligible for payments under the Medicaid EHR Incentive Program?**

Physicians are one of the categories of eligible professionals under the Medicaid EHR Incentive Program. If they meet the other program eligibility requirements (they can demonstrate 30% Medicaid patient volume, they've adopted, implemented, upgraded or meaningfully used certified Electronic Health Record technology, they are not hospital-based, etc.) then the fact that they are employed by a tribally-operated facility is irrelevant.

Date Updated: 3/28/2011

ID #10517

**39) Can eligible professionals (EPs) in Washington, D.C. receive electronic health record (EHR) incentive payments?**

Yes, EPs in the District of Columbia can receive EHR incentive payments under the Medicare or Medicaid program as long as they meet the program's requirements. EPs in D.C. are subject to the same requirements as EPs in the 50 States and thus may not concurrently receive payments from both the Medicare and Medicaid EHR Incentive Programs.

Date Updated: 8/17/2010

ID #9966

**40) Are physicians who work in hospitals eligible to receive Medicare or Medicaid electronic health record (EHR) incentive payments?**

Physicians who furnish substantially all, defined as 90% or more, of their covered professional services in either an inpatient (POS 21) or emergency department (POS 23) of a hospital are not eligible for incentive payments under the Medicare and Medicaid EHR Incentive Programs.

Date Updated: 2/17/2011

ID #10074

**41) Will long term care providers such as nursing homes be eligible for incentive payments under the Medicare and Medicaid Electronic Health Record (EHR) Incentive Program?**

Nursing homes, per se, are not eligible. The following types of institutional providers are eligible for EHR incentive payments under Medicare and/or Medicaid, provided they meet the applicable criteria.

Under Medicare, institutional providers eligible for the EHR incentive payments include "subsection (d) hospitals," as defined under section 1886(d) of the Social Security Act, and critical access hospitals (CAHs).

Under Medicaid, institutional providers eligible for the EHR incentive payments are acute care hospitals (which include CAHs and cancer hospitals) and children's hospitals. However, under Medicare, eligible professionals (EPs) may choose to assign their incentive payments to their employer or entity with which the EP has a contractual arrangement.

Under Medicaid, EPs also can choose to assign their incentive payments to their employer or to other state-designated entities.

**Date Updated:** 7/30/2010

ID #9843

**42) Are physicians who practice in hospital-based ambulatory clinics eligible to receive Medicare or Medicaid electronic health record (EHR) incentive payments?**

A hospital-based eligible professional (EP) is defined as an EP who furnishes 90% or more of their services in either inpatient or emergency department of a hospital. Hospital-based EPs do not qualify for Medicare or Medicaid EHR incentive payments.

**Date Updated:** 7/30/2010

ID #9844

**43) Will ambulatory surgical centers be eligible for incentive payments under the Medicare and Medicaid Electronic Health Record (EHR) Incentive Program?**

Ambulatory surgical centers are not eligible for EHR incentive payments. The following types of institutional providers are eligible for EHR incentive payments under Medicare and/or Medicaid, provided they meet the applicable criteria.

Under Medicare, institutional providers eligible for the EHR incentive payments include "subsection (d) hospitals," as defined under section 1886(d) of the Social Security Act, and critical access hospitals.

Under Medicaid, institutional providers eligible for the EHR incentive payments are acute care hospitals (which include critical access hospitals and cancer hospitals) and children's hospitals.

**Date Updated:** 7/30/2010

ID #9845

**44) Are eligible professionals (EPs) who practice in State Mental Health and Long Term Care Facilities eligible for Medicaid electronic health record (EHR) incentive payments if they meet the eligibility criteria (e.g., patient volume, non-hospital based, certified EHR)?**

The setting in which a physician, nurse practitioner, certified nurse-midwife, or dentist practices is generally irrelevant to determining eligibility for the Medicaid EHR Incentive Program (except for purposes of determining whether an EP can qualify through "needy individual" patient volume). Setting is relevant for physician assistants

(PA), as they are eligible only when they are practicing at a Federally Qualified Health Center (FQHC) that is led by a PA or a Rural Health Center (RHC) that is so led. All providers must meet all program requirements prior to receiving an incentive payment (e.g. adopt, implement or meaningfully use certified EHR technology, patient volume, etc.)

**Date Updated:** 2/17/2011

ID #10069

**45) Are mental health practitioners eligible to participate in the Medicare and Medicaid Electronic Health Record (EHR) Incentive Programs?**

Mental health providers would only be eligible for incentive payments if they meet the criteria of a Medicare or Medicaid eligible professionals (EPs).

For more complete information about eligibility requirements, please refer to the Eligibility section of the CMS website at

[http://www.cms.gov/EHRIIncentivePrograms/15\\_Eligibility.asp#TopOfPage](http://www.cms.gov/EHRIIncentivePrograms/15_Eligibility.asp#TopOfPage).

**Date Updated:** 2/17/2011

ID #10082

**46) Will the resident physicians that are employed at university hospitals be eligible to participate in the Medicare and Medicaid Electronic Health Record (EHR) Incentive Programs?**

Physicians who furnish substantially all, defined as 90% or more, of their covered professional services in either an inpatient (POS 21) or emergency department (POS 23) of a hospital are considered to be hospital-based and are therefore not eligible for incentive payments under the Medicare and Medicaid EHR Incentive Programs. If a resident is a licensed physician who is employed by the hospital but does not meet the hospital-based definition above, the resident may be eligible to participate in the Medicare and Medicaid EHR Incentive Programs.

**Date Updated:** 9/29/2010

ID #10148

**47) Will academic physicians employed by an academic medical center billing under the same CMS facility number as the hospital be allowed to participate as eligible professionals (EPs) in the Medicare and Medicaid Electronic Health Record (EHR) Incentive Programs if they qualify in all other aspects?**

Physicians who furnish substantially all, defined as 90% or more, of their covered professional services in either an inpatient (POS 21) or emergency department (POS 23) of a hospital are considered to be hospital-based and are therefore not eligible for incentive payments under the Medicare and Medicaid EHR Incentive Programs. If an academic physician is employed by an academic medical center, bills under the same CCN, and is considered hospital-based according to the definition above, then the academic physician would not be eligible to participate as an eligible professional in the Medicare and Medicaid EHR Incentive Programs.

Date Updated: 9/29/2010  
ID #10149

**48) Is my practice eligible to receive incentive payments through the Medicare and Medicaid Electronic Health Record (EHR) Incentive Programs?**

Incentive payments are not made to practices but to individual eligible professionals (EPs). For more information about who is eligible to participate, please visit [http://www.cms.gov/EHRI incentivePrograms/15\\_Eligibility.asp#TopOfPage](http://www.cms.gov/EHRI incentivePrograms/15_Eligibility.asp#TopOfPage).

Date Updated: 1/3/2011  
ID #10155

**49) Can tribal clinics be treated as Federally Qualified Health Centers (FQHCs) for the Medicaid EHR Incentive Program?**

CMS previously issued guidance stating that health care facilities owned and operated by American Indian and Alaska Native tribes and tribal organizations ("tribal clinics") with funding authorized by the Indian Self-Determination and Education Assistance Act (Public Law 93-638, as amended) must be reimbursed as FQHCs in order to be considered FQHCs in the Medicaid EHR Incentive Program. CMS revised this policy and will allow any such tribal clinics to be considered as FQHCs for the Medicaid EHR Incentive Program, regardless of their reimbursement arrangements. For more information on how FQHCs are defined, please see FAQ #10127.

Date Updated: 6/15/2011  
ID #10417

***Other Eligibility Questions for Providers***

**50) What are the requirements for dentists participating in the Medicaid EHR Incentive Program?**

Dentists must meet the same eligibility requirements as other eligible professionals (EP) in order to qualify for payments under the Medicaid EHR Incentive Program. This also means that they must demonstrate all 15 of the core meaningful use objectives and five from the menu of their choosing. The core set includes reporting of six clinical quality measures (three core and three from the menu of their choosing.) Several meaningful use objectives have exclusion criteria that are unique to each objective. EPs will have to evaluate whether they individually meet the exclusion criteria for each applicable objective as there is no blanket exclusion by type of EP.

Date Updated: 3/28/2011  
ID #10527

**51) Are the criteria for needy patient volumes under the Medicaid EHR Incentive Program only applied to eligible professionals (EPs) practicing predominantly in Federally Qualified Health Centers (FQHCs) and/or Rural Health Clinics (RHCs), or can they also apply to hospital patient volumes?**

Criteria for minimum patient volumes attributable to needy individuals apply only to EPs practicing predominantly in an FQHC or RHC. These criteria do not apply to hospital patient volumes.

**Date Updated:** 3/28/2011  
**ID #10526**

**52) If an eligible professional (EP) meets the criteria for both the Medicare and Medicaid electronic health record (EHR) incentive programs, can they choose which program to participate in?**

Yes. EPs who meet the eligibility requirements for both the Medicare and Medicaid incentive programs must elect the program in which they wish to participate when they register. After the initial designation, EPs can only change their program selection once after they have received payment before 2015.

**Date Updated:** 7/30/2010  
**ID #9957**

**53) Are professional services rendered by physicians or other eligible professional that are billed by the Rural Health Clinic (RHC) or Federally Qualified Health Center (FQHC) included in the calculation of the Medicare eligible professional (EP) electronic health record (EHR) incentive payment?**

No. The Health Information Technology for Economic and Clinical Health (HITECH) Act created an EHR incentive payment for EPs under Medicare based on the allowed charges for covered professional services furnished by the EP. Since services provided by eligible professionals while working in RHCs are not billed under the Part B physician fee schedule, they do not meet the HITECH Act definition of "covered professional services." As the HITECH Act bases the Medicare EHR incentive payment on a percentage of allowed charges for "covered professional services," services provided in the RHC by the eligible professional would not be included in the calculation for the Medicare EHR incentive. As the Medicaid EHR incentive payment is based on a different methodology, the eligible professionals in RHCs may still qualify for the Medicaid EHR incentive payment if they, or the whole RHC as a proxy, meet the 30 percent threshold for "needy individuals" as defined in statute and other program requirements.

**Date Updated:** 10/5/2010  
**ID #10158**

**54) What provisions are there for tribal clinics to receive payments from the Medicare and Medicaid Electronic Health Record (EHR) Incentive Program, rather than the physicians themselves - especially when it is a family medicine practice? I heard there were certain percentages of patients that had to be either Medicare or Medicaid and that a physician had to decide which they were going to apply for. What if their practice includes both types of patients?**

Clinics are not eligible for EHR incentive payments. However, eligible professionals who qualify for an EHR incentive payment may reassign that payment to the

taxpayer identification number (TIN) of their employer, if they so choose. You are correct that eligible professionals must choose either the Medicare or the Medicaid EHR Incentive Program, and may not simultaneously receive payments from both programs if they qualify for both. They may make a one-time switch after having received an incentive payment, but the switch must occur before 2015.

**Date Updated:** 9/17/2010

ID #10129

#### **55) How is hospital-based status determined for eligible professionals in the Medicare and Medicaid Electronic Health Record (EHR) Incentive Programs?**

A hospital-based eligible professional (EP) is defined as an EP who furnishes 90% or more of their covered professional services in either the inpatient (Place of Service 21) or emergency department (Place of Service 23) of a hospital. Covered professional services are physician fee schedule (PFS) services paid under Section 1848 of the Social Security Act. CMS uses PFS data from the Federal fiscal year immediately preceding the calendar year for which the EHR incentive payment is made (that is, the "payment year") to determine what percentage of covered professional services occurred in either the inpatient (Place of Service 21) or emergency department (Place of Service 23) of a hospital. The percentage determination is made based on total number of Medicare allowed services for which the EP was reimbursed, with each unit of a CPT billing code counting as a single service. States will use claims and/or encounter data (or equivalent data sources at the State's option) to make this determination for Medicaid. States may use data from either the prior fiscal or calendar year.

EPs can learn whether or not they are considered hospital based for the Medicare EHR Incentive Program by registering now for the Medicare EHR Incentive Program. For the Medicaid EHR Incentive Program, EPs should contact their states for more information.

**Date Updated:** 2/18/2011

ID #10464

#### **56) Can eligible professionals participate in the 2011 Physician Quality Reporting System (formerly called PQRI), 2011 Electronic Prescribing (eRx) Incentive Program, and the EHR Incentive Program (aka Meaningful Use) at the same time and earn incentives for each?**

The Physician Quality Reporting System, eRx Incentive Program, and EHR Incentive Program are three distinctly separate CMS programs.

The Physician Quality Reporting System incentive can be received regardless of an eligible professional's participation in the other programs.

There are three ways to participate in the EHR Incentive Program: through Medicare, Medicare Advantage, or Medicaid.

- If participating in the EHR Incentive Program through the Medicaid option, eligible professionals are also able to receive the eRx incentive.

- If participating in the Medicare or Medicare Advantage options for the EHR Incentive Program, eligible professionals must still report the eRx measure to avoid the penalty but are only eligible to receive one incentive payment. Eligible professionals successfully participating in both programs will receive the EHR incentive payment.

Eligible professionals should continue to report the eRx measure in 2011 even if their practice is also participating in the Medicare or Medicare Advantage EHR Incentive Program because claims data for the first six months of 2011 will be analyzed to determine if a 2012 eRx Payment Adjustment will apply to the eligible professional. If an eligible professional successfully generates and reports electronically prescribing 25 times (at least 10 of which are in the first 6 months of 2011 and submitted via claims to CMS) for eRx measure denominator eligible services, (s)he would also be exempt from the 2013 eRx payment adjustment.

For questions on the Physician Quality Reporting System and eRx Incentive Program, contact the QualityNet Help Desk at 1-866-288-8912 (TTY 1-877-715-6222) from 7:00 a.m. - 7:00 pm. CST Monday through Friday or via [Qnetsupport@sdps.org](mailto:Qnetsupport@sdps.org).

For more information, please see the CMS EHR Incentive Programs website at

<http://www.cms.gov/EHRIIncentivePrograms>.

**Date Updated:** 3/7/2011

**ID #10474**

### **III. Medicaid Program for EPs**

#### **Program Requirements**

##### **57) What are the requirements for dentists participating in the Medicaid EHR Incentive Program?**

Dentists must meet the same eligibility requirements as other eligible professionals (EP) in order to qualify for payments under the Medicaid EHR Incentive Program. This also means that they must demonstrate all 15 of the core meaningful use objectives and five from the menu of their choosing. The core set includes reporting of six clinical quality measures (three core and three from the menu of their choosing.) Several meaningful use objectives have exclusion criteria that are unique to each objective. EPs will have to evaluate whether they individually meet the exclusion criteria for each applicable objective as there is no blanket exclusion by type of EP.

Date Updated: 3/28/2011

ID #10527

##### **58) How will eligible professionals (EPs) be required to show that they are meeting the Medicaid or needy individual patient volume thresholds of 30% for the Medicaid EHR Incentive Program?**

To show that EPs are meeting the Medicaid or needy individual patient volume thresholds of 30% for the Medicaid EHR Incentive Program, States will need to propose one or more methods of calculating patient volume to CMS in their State Medicaid Health Information Technology Plans and would need to identify verifiable data sources available to the provider and/or the State. Please contact your State Medicaid Agency for more information on how your state is calculating patient volume.

Date Updated: 3/28/2011

ID #10523

##### **59) When calculating Medicaid patient volume or needy patient volume for the Medicaid EHR Incentive Program, are eligible professionals (EPs) required to use visits, or unique patients?**

There are multiple definitions of encounter in terms of how it applies to the various requirements for patient volume. Generally stated, a patient encounter is any one day where Medicaid paid for all or part of the service or Medicaid paid the co-pays, cost-sharing, or premiums for the service. The requirements differ for EPs and hospitals. In general, the same concept applies to needy individuals. Please contact your State Medicaid agency for more information on which types of encounters qualify as Medicaid/needy individual patient volume.

Date Updated: 3/28/2011

ID #10524

**60) Under the Medicaid Electronic Health Record (EHR) Incentive Program, if an eligible professional (EP) adopts, implements or upgrades to certified EHR technology (AIU) in January 2012 and gets the AIU payment in 2012, can the EP use a 90-day period in 2012 to report on EHR meaningful use (MU) for a 2013 Year 1 MU payment? Or, does the 90-day period have to be in the next calendar year 2013? Then they would have to show Year 2 MU in calendar year 2014 and not get their next incentive payment until sometime in 2015.**

First, it is important to note that when discussing 2013, CMS stated that it expects to engage in another cycle of rulemaking for that year. Under our current rules, the 90-day period has to be in the next calendar year 2013. Payment year is defined in 42 CFR 495.4 as a calendar year beginning with CY 2011, and for Medicaid, the first payment year is the first calendar year for which the EP receives an incentive payment. The second payment year is then the second calendar year for which the EP receives the incentive payment. Because each payment year is tied to a separate calendar year, and because for Medicaid, for the first year of demonstrating MU the EHR reporting period must be a continuous 90-day within the calendar year (with all subsequent years having an EHR reporting period equal to the full CY), the EHR reporting period must occur within the year of payment. Thus, the EHR reporting period is any 90-day period within CY 2013 in the example provided above. As for what stage of meaningful use the EP must show in CY 2014, CMS stated that it expects to engage in future rulemaking to address this issue.

**Date Updated:** 2/24/2011

**ID #10097**

**61) How does CMS define pediatrician for purposes of the Medicaid EHR Incentive Program?**

CMS does not define pediatrician for this program. Pediatricians have special eligibility and payment flexibilities offered under the program and it is up to States to define pediatrician, consistent with other areas of their Medicaid programs. You can find your State's contact information [here](#).

**Date Updated:** 7/11/2011

**ID # 10715**

**62) In order to qualify for payment under the Medicaid EHR Incentive Program for having adopted, implemented, or upgraded to (AIU) certified EHR technology, an eligible professional (EP) working at an Indian Health Services (IHS) clinic may be asked to submit to their State Medicaid Agency an official letter containing information about the clinic's electronic health record from IHS (which is an Operating Division of the United States Department of Health and Human Services). The information in this letter identifies the EHR vendor, the ONC Certified Heath IT Product List (CHPL) number of the EHR, as well as other information regarding the EHR product version and licensure. Does this letter meet states' documentation requirements for AIU?**

Yes. This is an official letter from the United States Department of Health and Human Services and the IHS clinic generating this letter uses a certified EHR system created for the IHS. The state does not need to collect additional documentation for AIU (pre-payment or post-payment, or in the event of an audit) in instances where one of these letters is provided.

**Date Updated:** 1/23/2012

**ID #** 10956

**63) Under the Medicaid Electronic Health Record (EHR) Incentive Program, if a provider adopts, implements or upgrades (AIU) certified EHR technology in their first year, the provider will not have to demonstrate meaningful use in order to receive payment; in the second year they will have to demonstrate MU for a 90 day period only. Whereas a provider that is already a meaningful user would have to demonstrate for a 90 day period the first year and subsequent years they would have to demonstrate it for the full year. Is this correct?**

This is correct.

**Date Updated:** 8/25/2010

**ID #** 10112

#### **Payment Questions for Medicaid EHR Incentive Program EPs**

**64) What is the maximum incentive an eligible professional (EP) can receive under the Medicaid Electronic Health Record (EHR) Incentive Program?**

EPs who adopt, implement, upgrade, and meaningfully use EHRs can receive a maximum of \$63,750 in incentive payments from Medicaid over a six year period (Note: There are special eligibility and payment rules for pediatricians). EPs must begin receiving incentive payments by calendar year 2016.

**Date Updated:** 7/30/2010

**ID #** 9810

**65) I am an eligible professional (EP) who has successfully attested for the Medicare Electronic Health Record (EHR) Incentive Program, so why haven't I received my incentive payment yet?**

For EPs, incentive payments for the Medicare EHR Incentive Program will be made approximately four to eight weeks after an EP successfully attests that they have demonstrated meaningful use of certified EHR technology. However, EPs will not receive incentive payments within that timeframe if they have not yet met the threshold for allowed charges for covered professional services furnished by the EP during the year.

The Medicare EHR incentive payments to EPs are based on 75% of the estimated allowed charges for covered professional services furnished by the EP during the entire payment year. Therefore, to receive the maximum incentive payment of \$18,000 for the first year of participation in 2011 or 2012, the EP must accumulate \$24,000 in allowed charges. If the EP has not met the \$24,000 threshold in allowed

charges at the time of attestation, CMS will hold the incentive payment until the EP meets the \$24,000 threshold in order to maximize the amount of the EHR incentive payment the EP receives. If the EP still has not met the \$24,000 threshold in allowed charges by the end of calendar year, CMS expects to issue an incentive payment for the EP in March 2012 (allowing 60 days after the end of the 2011 calendar year for all pending claims to be processed).

Payments to Medicare EPs will be made to the taxpayer identification number (TIN) selected at the time of registration, through the same channels their claims payments are made. The form of payment (electronic funds transfer or check) will be the same as claims payments.

Bonus payments for EPs who practice predominantly in a geographic Health Professional Shortage Area (HPSA) will be made as separate lump-sum payments no later than 120 days after the end of the calendar year for which the EP was eligible for the bonus payment.

**Date Updated:** 6/23/2011  
**ID #**10692

**66) Are Medicaid eligible professionals (EPs) and eligible hospitals subject to payment adjustments or penalties if they do not adopt electronic health record (EHR) technology or fail to demonstrate meaningful use?**

There are no payment adjustments or penalties for Medicaid providers who fail to demonstrate meaningful use.

**Date Updated:** 7/30/2010  
**ID #**9958

**67) What safeguards are in place to ensure that Medicaid electronic health record (EHR) incentive payments are used for their intended purpose?**

Like the Medicare EHR incentive program, neither the statute nor the CMS final rule dictates how a Medicaid provider must use their EHR incentive payment. The incentives are not a reimbursement and are at the providers' discretion, similar to a bonus payment.

**Date Updated:** 7/30/2010  
**ID #**9959

**68) The billing provider on a claim is an eligible professional (EP) but the performing provider type is not an EP. If we use claims to validate patient volume or meaningful use for the Medicaid Electronic Health Record (EHR) Incentive Program, should we count performing providers (person rendering the service) or the billing provider?**

In establishing an encounter for purposes of patient volume, please see the regulations at 495.306(e)(2)(i)-(ii) at 75 FR 44579. Furthermore, in estimating patient volume for any EP or hospital, we do not specify any requirements around billing, but rather we discuss patients. For example, if a physician's assistant (PA) provides

services, but they are billed through the supervising physician, it seems reasonable that a State has the discretion to consider the patient as part of the patient volume for both professionals. However, this policy would need to be applied consistently. In this scenario, using services provided by the PA but billed under the physician in the physician's numerator (e.g., Medicaid encounters) also would increase the physician's denominator (all encounters), because the State would need to adequately reflect the total universe of patients (both Medicaid and non-Medicaid) who the PA saw, but for whom the physician billed. In terms of meaningful use, because each eligible professional must demonstrate meaningful use of certified EHR technology him or herself, if the State cannot not distinguish between the physician's claims and the PA's individual claims, then this would not be an adequate audit methodology. To view the final rule, please visit:

<http://edocket.access.gpo.gov/2010/pdf/2010-17207.pdf>.

Date Updated: 2/24/2011

ID #10098

**69) Under the Medicaid EHR Incentive Program, can a qualifying eligible professional (EP) who is an employee of a federally-owned Indian Health Services facility (other than a tribally-owned facility or Federally Qualified Health Center) assign his/her incentive payment to the federally-owned facility in the same way as other EPs?**

Yes, EPs are permitted to reassign their incentive payments to their employer or to an entity with which they have a contractual arrangement allowing the employer or entity to bill and receive payment for the EP's covered professional services, including a federally-owned Indian Health Services facility.

Date Updated: 3/28/2011

ID #10531

**70) Per CMS FAQ #10417, my tribal clinic is considered a Federally-qualified health center for the Medicaid EHR Incentive Program. So our eligible professionals (EPs) need to have 30% "needy individual" patient volume in order to qualify. I understand that needy individual encounters include encounters covered by Medicaid, the Children's Health Insurance Program (CHIP), a sliding fee scale or uncompensated care. My clinic receives Indian Health Services (IHS) funding which only partially offsets the cost of these encounters that are not covered by Medicaid or CHIP, but my clinic does not impose costs on these individuals and does not have a sliding fee scale, so how do I count them?**

Since your clinic receives IHS funding, the encounters are not truly "uncompensated", but the encounters would be considered services furnished at no cost (even if your clinic does not have a sliding fee scale), and therefore can be counted towards needy individual patient volume for tribal clinic-based EPs applying for the Medicaid EHR Incentive Program.

Date Updated: 8/29/2011

ID #10787

**71) For the Medicaid EHR Incentive Program, can a non-hospital based eligible professional (EP) include their in-patient encounters for purposes of calculating Medicaid patient volume even if the patient is included in the eligible hospital's patient volume for the same 90-day period?**

Yes, an EP who sees patients in an in-patient setting, and is not hospital based, can include the in-patient encounter in their Medicaid patient volume calculation. Both an eligible hospital and an EP can include an encounter from the same patient in their Medicaid patient volume calculations, respectively. This is because the services performed by the EP are distinct from those performed by the eligible hospital. Section 495.306 defines an encounter as a service performed by either an EP or an eligible hospital in which Medicaid has financial liability. An EP who sees patients in an in-patient setting bills Medicaid for the services personally rendered by the EP, while at same time the hospital bills Medicaid for the services rendered by the hospital, such as the bed and medications. Given that these are two distinct sets of services for the same patient, both the eligible hospital and the EP can count them as an encounter for Medicaid patient volume if they happened to select the same 90-day period.

**Date Updated:** 10/11/2011  
**ID #** 10831

**72) For the Medicaid EHR Incentive Program, can a provider include encounters in their Medicaid patient volume calculation numerator if Medicaid did not pay for the service? For example, this might include individuals dually eligible for Medicare and Medicaid, when there is third-party liability, or when Medicaid did not pay for an encounter (even if the patient was Medicaid eligible).**

The definitions of "encounter" for both needy individual and Medicaid patient volume account for situations where "Medicaid... paid all or part of the individual's premiums, copayments, and cost-sharing." This will include individuals, such as Qualified Medicare Beneficiaries (QMBs), where Medicare may pay for the encounter, but the State Medicaid program is required to pay for the individuals' Medicare Part B premiums. It would also include when Medicaid (or CHIP, as it pertains to needy individual patient volume) paid for the premiums, cost-sharing, or co-payments for privately provided insurance (including Medicaid managed care programs).

If a third-party pays for the encounter (e.g., Workman's Compensation, auto insurance, etc.), the individual is only included in numerator for patient volume when "Medicaid... paid all or part of the individual's premiums, copayments, and cost-sharing." Again, this will include enrollees of Medicaid (or CHIP, as it pertains to needy individual patient volume) when Medicaid paid for the premiums, cost-sharing, or co-payments for privately provided insurance (including Medicaid managed care programs).

Finally, if a fee-for-service Medicaid enrollee has an encounter and Medicaid does not pay for the encounter (e.g., the individual paid out of pocket or because the

service is not a Medicaid-covered service), they cannot be included in the numerator for calculating Medicaid patient volume.

Date Updated: 2/9/2011

ID #10415

### Meaningful Use Questions

- 73) When we count encounters in a clinic or medical group (or medical home model) for purposes of the Medicaid Electronic Health Record (EHR) Incentive Program, are we able to include the encounters of ancillary providers such as pharmacists, educators, etc. when determining if the eligible professionals (EPs) are eligible, per patient volume requirements?**

Our regulations did not address whether these non-EP encounters could be considered in the estimate of patient volume for the clinic. However, we believe a State would have the discretion to include such non-EP encounters in its estimates. Again, if these non-EP encounters are included in the numerator, they must be included in the denominator as well. States also must ensure that their methodology adheres to the conditions in 42 CFR 495.306(h), and specifically § 495.306(h)(4), which says: "(4) The clinic or group practice uses the entire practice or clinic's patient volume and does not limit patient volume in any way." To view the final rule, please visit: <http://edocket.access.gpo.gov/2010/pdf/2010-17207.pdf>.

Date Updated: 2/24/2011

ID #10101

- 74) For the Medicaid Electronic Health Record (EHR) Incentive Program, if the EHR Reporting Period is calendar year (CY) 2013, then the payment year also refers to 2013 even though an eligible professional (EP) may receive the actual incentive payment in early 2014, correct? If this is the case, does "preceding year" mean that the number of patient encounters in any 90 day period in CY 2012 will be used? If so, why not use the number of patient encounters during CY 2013??**

The payment year is the year for which the payment is made (see 42 CFR 495.4 and the definition of "First, second, third, fourth, fifth, or sixth payment years."). So, the questioner is correct that if the EHR reporting period is in CY 2013, the payment year also refers to 2013. Using the patient encounters from the year preceding the payment year, when the EP adopts, implements, or upgrades (AIU) certified EHR technology, or in the first year of demonstrating meaningful use, when the EHR reporting period is 90 days, allows the EP to receive an incentive early in the payment year, such as when their EHR reporting period occurs during the first 90 days of CY 2012).

Date Updated: 2/24/2011

ID #10102

- 75) If a State had their Medicaid Electronic Health Record (EHR) Incentive Program approved and ready to go by 1/1/2011, could a provider use for their 90-day patient volume period 10/1-12/31/2010 to qualify for a payment as of 1/1/2011?**

Yes. We specify that the volume period needs to be any 90-day period in the preceding calendar year. The provider would also need to demonstrate adopt, implement, upgrade of certified EHR technology (AIU) in order to qualify for an incentive payment.

**Date Updated:** 2/24/2011

**ID #10105**

**76) Does a State have the option of solely using a state-submitted alternative methodology (pending CMS approval) for determining patient volume, or is the State additionally required to use one of the CMS specified methodologies (patient encounter or patient volume) for the Medicaid Electronic Health Record (EHR) Incentive Program?**

Yes, the State can submit to us for approval only the alternative methodology that meets the requirements of 495.306(g). As we stated in the preamble to the final rule, we believe most States will not submit alternative methodologies until after the first year of the program, allowing for alternatives to recognize evolving State and provider experience with patient volume estimate methodologies. We recommend that States consider the methodologies that were put forward in the final rule, prior to proposing only an alternative in their State Medicaid Health Information Technology Plans (SMHPs). If a State alternative methodology is approved by us, we will post this methodology on our website, so that other States may adopt the methodology as well.

**Date Updated:** 8/25/2010

**ID #10110**

**77) Are pediatric subspecialists considered pediatricians for purposes of qualifying under the Medicaid Electronic Health Record (EHR) Incentive Program? In other words, if I am an otolaryngologist who only sees children, can I qualify under Medicaid if I only have 20% of patient volume as Medicaid?**

For the Medicaid EHR Incentive Program, States will define "pediatrician" in a manner consistent with how they define the term for other purposes of their Medicaid programs.

**Date Updated:** 2/24/2011

**ID #10111**

**78) We are a tribal clinic with: one full-time physician, one part-time pediatrician, one part-time physicians assistant (PA). Are we going to receive electronic health record (EHR) incentive payments directly from Medicaid?**

Clinics are not directly eligible for the Medicaid EHR Incentive Program payments, however if the practitioners at your clinic meet the eligibility criteria and successfully adopt, implement, upgrade or meaningfully use certified EHR technology, they may choose to reassign their incentive payments to your clinic. Your clinic would need to have a taxpayer identification number (TIN) that is already established with the

State Medicaid agency. A PA is eligible only if your FQHC or RHC is led by a PA. Our final rule preamble discusses what it means for a PA to have lead role in an FQHC or RHC at page 44483.

**Date Updated: 10/17/2010**  
**ID #10128**

**79) Are optometrists considered eligible professionals for the Medicaid EHR Incentive Program?**

Under Medicare, a doctor of optometry is considered a physician (and therefore an EP) with respect to all services the optometrist is authorized to perform under State law or regulation. It is currently unlikely that optometrists would be eligible for the Medicaid EHR Incentive Program, as the definition of "physician" for the Medicaid program is primarily limited to doctors of medicine and osteopathy (MDs and DOs). Some states are looking at how to leverage an option in their Medicaid State plan that allows them, under special circumstances, to treat adult optometrist services as physician services. Only then could an optometrist could be eligible for the Medicaid EHR Incentive Program. Please note that this change would only impact the EHR Incentive Program and not other areas of the Medicaid program. CMS is providing guidance to states that currently cover adult optometry services in order to possibly make optometrists eligible for the Medicaid EHR Incentive Program, but it would move optometry services for adults from an optional to mandatory benefit. If you have further questions about the Medicaid State Plan, please contact your State Medicaid agency or local trade organization for more information.

**Date Updated: 2/9/2011**  
**ID #10341**

**80) If an eligible professional in the Medicaid EHR Incentive Program wants to leverage a clinic or group practice's patient volume as a proxy for the individual eligible professional (EP), how should a clinic or group practice account for EPs practicing with us part-time and/or applying for the incentive through a different location (e.g., where an EP is practicing both inside and outside the clinic/group practice, such as part-time in two clinics)?**

EPs may use a clinic or group practice's patient volume as a proxy for their own under three conditions:

1. The clinic or group practice's patient volume is appropriate as a patient volume methodology calculation for the EP (for example, if an EP only sees Medicare, commercial, or self-pay patients, this is not an appropriate calculation);
2. There is an auditable data source to support the clinic's patient volume determination; and
3. So long as the practice and EPs decide to use one methodology in each year (in other words, clinics could not have some of the EPs using their individual patient volume for patients seen at the clinic, while others use the clinic-level data). The

clinic or practice must use the entire practice's patient volume and not limit it in any way. EPs may attest to patient volume under the individual calculation or the group/clinic proxy in any participation year. Furthermore, if the EP works in both the clinic and outside the clinic (or with and outside a group practice), then the clinic/practice level determination includes only those encounters associated with the clinic/practice.

In order to provide examples of this answer, please refer to Clinics A and B, and assume that these clinics are legally separate entities.

If Clinic A uses the clinic's patient volume as a proxy for all EPs practicing in Clinic A, this would not preclude the part-time EP from using the patient volume associated with Clinic B and claiming the incentive for the work performed in Clinic B. In other words, such an EP would not be required to use the patient volume of Clinic A simply because Clinic A chose to invoke the option to use the proxy patient volume.

However, such EP's Clinic A patient encounters are still counted in Clinic A's overall patient volume calculation. In addition, the EP could not use his or her patient encounters from clinic A in calculating his or her individual patient volume.

The intent of the flexibility for the proxy volume (requiring all EPs in the group practice or clinic to use the same methodology for the payment year) was to ensure against EPs within the same clinic/group practice measuring patient volume from that same clinic/group practice in different ways. The intent of these conditions was to prevent high Medicaid volume EPs from applying using their individual patient volume, where the lower Medicaid patient volume EPs then use the clinic volume, which would of course be inflated for these lower-volume EPs.

#### CLINIC A (with a fictional EP and provider type)

- EP #1 (physician): individually had 40% Medicaid encounters (80/200 encounters)
- EP #2 (nurse practitioner): individually had 50% Medicaid encounters (50/100 encounters)
- Practitioner at the clinic, but not an EP (registered nurse): individually had 75% Medicaid encounters (150/200)
- Practitioner at the clinic, but not an EP (pharmacist): individually had 80% Medicaid encounters (80/100)
- EP #3 (physician): individually had 10% Medicaid encounters (30/300)
- EP #4 (dentist): individually had 5% Medicaid encounters (5/100)
- EP #5 (dentist): individually had 10% Medicaid encounters (20/200)

In this scenario, there are 1200 encounters in the selected 90-day period for Clinic A. There are 415 encounters attributable to Medicaid, which is 35% of the clinic's volume. This means that 5 of the 7 professionals would meet the Medicaid patient volume criteria under the rules for the EHR Incentive Program. (Two of the professionals are not eligible for the program on their own, but their clinical encounters at Clinic A should be included.)

The purpose of these rules is to prevent duplication of encounters. For example, if the two highest volume Medicaid EPs in this clinic (EPs #1 and #2) were to apply on their own (they have enough Medicaid patients to do that), the clinic's 35% Medicaid patient volume is no longer an appropriate proxy for the low-volume providers (e.g., EPs #4 and #5).

If EP #2 is practicing part-time at both Clinic A, and another clinic, Clinic B, and both Clinics are using the clinic-level proxy option, each such clinic would use the encounters associated with the respective clinics when developing a proxy value for the entire clinic. EP #2 could then apply for an incentive using data from one clinic or the other.

Similarly, if EP #4 is practicing both at Clinic A, and has her own practice, EP #4 could choose to use the proxy-level Clinic A patient volume data, or the patient volume associated with her individual practice. She could not, however, include the Clinic A patient encounters in determining her individual practice's Medicaid patient volume. In addition, her Clinic A patient encounters would be included in determining such clinic's overall Medicaid patient volume.

Date Updated: 1/24/2011

ID #10362

**81) For the Medicaid EHR Incentive Program, how do we determine Medicaid patient volume for procedures that are billed globally, such as obstetrician (OB) visits or some surgeries? Such procedures are billed to Medicaid at a global rate where one global rate might cover several visits.**

CMS leaves it up to the states how to operationalize the patient volume considerations of global payments with the following guidance: the numerator and denominator must be incorporated consistently. The total encounters can be kept global, or broken down into individual visits. If a global payment is broken down into separate visits in the numerator, then for purposes of the denominator, the state must break down any other global payments received from other payers. We recognize this could be administratively challenging and are open to reviewing strategies for doing this that may involve sampling (e.g., if the Medicaid global payment for OB averages 12 visits, we would expect to see the numerator expanded to 12 visits for Medicaid encounters, and a denominator constructed using sample data from a random file review that similarly breaks down any global payments into separate visits for Medicaid and non-Medicaid payers).

Additionally, if the state's approach to global payments excludes providers from the Medicaid EHR Incentive Program who would otherwise be eligible, the state must create a mechanism to re-review their eligibility.

Date Updated: 1/23/2012

ID #10957

**82) Is data sharing with neighboring States permitted regarding total Medicaid days for purposes of paying full incentives to hospitals or eligible professionals (EPs) with**

**utilization in multiple states under the Medicaid Electronic Health Record (EHR) Incentive Program?**

Yes. The CMS final rule clarifies the policy about calculating patient volume for Medicaid providers with clinical practices in more than one State, both in terms of what is "Medicaid patient volume" and about the cross-border issue. See 75 FR 44503, stating: "[W]e recommend that States consider the circumstances of border State providers when developing their policies and attestation methodologies. To afford States maximum flexibility to develop such policies, we will not be prescriptive about whether a State may allow a Medicaid EP to aggregate his/her patients across practice sites, if the State has a way to verify the patient volume attestation when necessary. States will propose their policies and attestation methodologies to CMS for approval in their State Medicaid HIT plans." However, as stated in the final rule, EPs and hospitals are permitted to receive payment from only one State in a payment year (495.310(e)). To view the final rule, please visit:

<http://edocket.access.gpo.gov/2010/pdf/2010-17207.pdf>.

Date Updated: 2/24/2011  
ID #10109

**83) Do States need to verify the "installation" or "a signed contract" for adopt, implement, or upgrade (AIU) in the Medicaid EHR Incentive Program?**

States should make clear to providers when they attest for AIU what documentation they must maintain, and for how long, in case of audit. If States determine that certain provider types are a high risk for potential fraud/abuse for AIU, then they can ask for some verification of adopting, implementation or upgrading but CMS encourages that this be done in a targeted manner, with the most electronic and simple means possible and not in such a way that would be burdensome to providers. For AIU, a provider does not have to have installed certified EHR technology. The definition of AIU in 42 CFR 495.302 allows the provider to demonstrate AIU through any of the following: (a) acquiring, purchasing or securing access to certified EHR technology; (b) installing or commencing utilization of certified EHR technology capable of meeting meaningful use requirements; or (c) expanding the available functionality of certified EHR technology capable of meeting meaningful use requirements at the practice site, including staffing, maintenance, and training, or upgrade from existing EHR technology to certified EHR technology per the EHR certification criteria published by the Office of the National Coordinator of Health Information Technology (ONC). Thus, a signed contract indicating that the provider has adopted or upgraded would be sufficient.

Date Updated: 2/24/2011  
ID #10100

**84) Does the provision requiring that States pay the incentive "without deduction or rebate" still allow a State to offset mandatory public debt collection (e.g., wage garnishment and claims overpayments) with the incentive?**

The requirement that the incentives be passed to providers "without deduction or rebate" refers to requiring that the State not use the incentive payment to pay for its own program administration or to fund other State priorities. However, where there are public debts under a collection mandate, CMS considers the incentive as paid to the provider, even when part or all of the incentive may offset, under two scenarios:

1. Where it is authorized specifically by the Medicaid program (a civil monetary penalty, for example, or a Medicare debt); or
2. Where there is a court-ordered garnishment for a specific purpose.

Date Updated: 5/9/2011

ID #10342

**85) If a State had their Medicaid Electronic Health Record (EHR) Incentive Program approved and ready to go by 1/1/2011, could a provider use for their 90-day patient volume period 10/1-12/31/2010 to qualify for a payment as of 1/1/2011?**

Yes. We specify that the volume period needs to be any 90-day period in the preceding calendar year. The provider would also need to demonstrate adopt, implement, upgrade of certified EHR technology (AIU) in order to qualify for an incentive payment.

Date Updated: 2/24/2011

ID #10105

**86) When eligible professionals work at more than one clinical site of practice, are they required to use data from all sites of practice to support their demonstration of meaningful use and the minimum patient volume thresholds for the Medicaid EHR Incentive Program?**

CMS considers these two separate, but related issues.

**Meaningful use:** Any eligible professional demonstrating meaningful use must have at least 50% of their patient encounters during the EHR reporting period at a practice/location or practices/locations equipped with certified EHR technology capable of meeting all of the meaningful use objectives. Therefore, States should collect information on meaningful users' practice locations in order to validate this requirement in an audit.

**Patient volume:** Eligible professionals may choose one (or more) clinical sites of practice in order to calculate their patient volume. This calculation does not need to be across all of an eligible professional's sites of practice. However, at least one of the locations where the eligible professional is adopting or meaningfully using certified EHR technology should be included in the patient volume. In other words, if an eligible professional practices in two locations, one with certified EHR technology and one without, the eligible professional should include the patient volume at least at the site that includes the certified EHR technology. When making an individual patient volume calculation (i.e., not using the group/clinic proxy option), a professional may calculate across all practice sites, or just at the one site. For more information on applying the group/clinic proxy option, see FAQ #10362 or click [here](#).

**Date Updated: 2/9/2011**  
**ID #10416**

**87) If a State utilizes the option to include patient panels when looking at patient volume for the Medicaid EHR Incentive Program, what does it mean to have "unduplicated encounters"?**

The requirements for this option to calculate patient volume are to account for eligible professionals treating patients in a care management role (often managed care or a medical home), as well as any additional encounters outside of a care management arrangement (often fee-for-service). When a State has leveraged this option, the calculation is:

[Total Medicaid patients\* assigned to the provider in any representative continuous 90-day period in the preceding calendar year with at least one encounter in the calendar year preceding the start of the 90-day period] -PLUS- [Unduplicated Medicaid encounters\* in that same 90-day period]

-DIVIDED BY-

[Total patients assigned to the provider in the same 90-day with at least one encounter in the calendar year preceding the start of the 90-day period] -PLUS- [All unduplicated encounters in that same 90-day period]

*\*Note that this same equation applies to making a determination for Needy Individual patient volume, where "Medicaid" is substituted by "Needy Individuals."*

In this calculation, "unduplicated" simply means that an eligible professional may not include the same encounters more than once. There may be multiple encounters with patients (even with patients included on the panel), but these may not be counted in more than one place in the equation. In addition, as noted in the preamble of the July 28, 2010 Federal Register (page 44488), the "unduplicated encounters" would only be encounters with non-panel Medicaid patients that occurred during the representative 90-day period.

As the question notes, not all States will use this option in determining patient volume. Please talk to your State or visit their website (found here and updated monthly) to get more information on how patient volume is calculated in each State.

**Date Updated: 3/7/2011**  
**ID #10476**

## IV. Medicaid Program for Hospitals

### **Program Requirements and Registration Questions**

#### **88) Do States need to verify the "installation" or "a signed contract" for adopt, implement, or upgrade (AIU) in the Medicaid EHR Incentive Program?**

States should make clear to providers when they attest for AIU what documentation they must maintain, and for how long, in case of audit. If States determine that certain provider types are a high risk for potential fraud/abuse for AIU, then they can ask for some verification of adopting, implementation or upgrading but CMS encourages that this be done in a targeted manner, with the most electronic and simple means possible and not in such a way that would be burdensome to providers. For AIU, a provider does not have to have installed certified EHR technology. The definition of AIU in 42 CFR 495.302 allows the provider to demonstrate AIU through any of the following: (a) acquiring, purchasing or securing access to certified EHR technology; (b) installing or commencing utilization of certified EHR technology capable of meeting meaningful use requirements; or (c) expanding the available functionality of certified EHR technology capable of meeting meaningful use requirements at the practice site, including staffing, maintenance, and training, or upgrade from existing EHR technology to certified EHR technology per the EHR certification criteria published by the Office of the National Coordinator of Health Information Technology (ONC). Thus, a signed contract indicating that the provider has adopted or upgraded would be sufficient.

Date Updated: 2/24/2011

ID #10100

#### **89) If a dually-eligible hospital initially registers only for the Medicaid EHR Incentive Program, but later decides that it wants to also register for the Medicare EHR Incentive Program, can it go back and change its registration from Medicaid only to both Medicare and Medicaid?**

Hospitals that are eligible for EHR incentive payments under both Medicare and Medicaid should select "Both Medicare and Medicaid" during the registration process, even if they plan to apply only for a Medicaid EHR incentive payment by adopting, implementing, or upgrading certified EHR technology. Dually-eligible hospitals can then attest through CMS for their Medicare EHR incentive payment at a later date, if they so desire. It is important for a dually-eligible hospital to select "Both Medicare and Medicaid" from the start of registration in order to maintain this option. Hospitals that register only for the Medicaid program (or only the Medicare program) will not be able to manually change their registration (i.e., change to "Both Medicare and Medicaid" or from one program to the other) after a payment is initiated and this may cause significant delays in receiving a Medicare EHR incentive payment.

Date Updated: 12/9/2010

ID #10267

**90) What is the reporting period for eligible hospitals participating in the Medicare and Medicaid Electronic Health Record (EHR) Incentive Program?**

For an eligible hospital or critical access hospital's first payment year, the EHR reporting period is a continuous 90-day period within a Federal fiscal year. In subsequent years, the EHR reporting period for eligible hospitals and critical access hospitals (CAHs) is the entire Federal fiscal year.

Date Updated: 7/30/2010

ID # 9962

**Payment and Penalty Questions**

**91) Are Medicaid eligible professionals (EPs) and eligible hospitals subject to payment adjustments or penalties if they do not adopt electronic health record (EHR) technology or fail to demonstrate meaningful use?**

There are no payment adjustments or penalties for Medicaid providers who fail to demonstrate meaningful use.

Date Updated: 7/30/2010

ID #9958

**92) What safeguards are in place to ensure that Medicaid electronic health record (EHR) incentive payments are used for their intended purpose?**

Like the Medicare EHR incentive program, neither the statute nor the CMS final rule dictates how a Medicaid provider must use their EHR incentive payment. The incentives are not a reimbursement and are at the providers' discretion, similar to a bonus payment.

Date Updated: 7/30/2010

ID #9959

**93) Does the provision requiring that States pay the incentive "without deduction or rebate" still allow a State to offset mandatory public debt collection (e.g., wage garnishment and claims overpayments) with the incentive?**

The requirement that the incentives be passed to providers "without deduction or rebate" refers to requiring that the State not use the incentive payment to pay for its own program administration or to fund other State priorities. However, where there are public debts under a collection mandate, CMS considers the incentive as paid to the provider, even when part or all of the incentive may offset, under two scenarios:

1. Where it is authorized specifically by the Medicaid program (a civil monetary penalty, for example, or a Medicare debt); or
2. Where there is a court-ordered garnishment for a specific purpose.

Date Updated: 5/9/2011

ID #10342

## **Meaningful Use Questions**

**94) Under the Medicaid Electronic Health Record (EHR) Incentive Program, if a provider adopts, implements or upgrades (AIU) certified EHR technology in their first year, the provider will not have to demonstrate meaningful use in order to receive payment; in the second year they will have to demonstrate MU for a 90 day period only. Whereas a provider that is already a meaningful user would have to demonstrate for a 90 day period the first year and subsequent years they would have to demonstrate it for the full year. Is this correct?**

This is correct.

**Date Updated:** 2/24/2011

**ID #10112**

**95) Are nursery days and nursery discharges (for newborns) included as acute-inpatient services in the calculation of hospital incentives for the Medicare and Medicaid EHR Incentive Programs?**

No, nursery days and discharges are not included in inpatient bed-day or discharge counts in calculating hospital incentives. We exclude nursery days and discharges because they are not considered acute inpatient services based on the level of care provided during a normal nursery stay.

Pages 44450 and 44453 of the final rule preamble explain that for the Medicare calculation, the statutory language clearly restricts discharges and inpatient bed-days to those from the acute care portion of a hospital. This is because of the definition of "eligible hospital" in section 1886(n)(6)(B) of the Social Security Act.

Page 44497 of the final rule explains that statutory parameters placed on Medicaid incentive payments to hospitals are largely based on the methodology applied to Medicare incentive payments. Therefore, as Medicaid is held to the same parameters as Medicare, the same limitations on counting inpatient bed-days and total discharges apply to Medicaid hospital incentive calculations.

To view the final rule for the Medicare and Medicaid EHR incentive programs, please visit: <http://edocket.access.gpo.gov/2010/pdf/2010-17207.pdf>.

**Date Updated:** 5/20/2011

**ID #10361**

**96) If the State chooses to use the cost report in the Medicaid EHR incentive hospital payment calculation, what data elements should be used in the Medicare cost report, Form CMS 2552-96 and the Form CMS 2552-10?**

Based on the Medicare cost report guidance, Form CMS 2552-96 will be used until the implementation of the new Medicare cost report, Form CMS 2552-10. Although the State may choose to use the following data elements, it is the States' and

hospitals' responsibility to ensure the integrity and regulatory compliance of the data.

The CMS 2552-96 data elements are as follows:

- Total Discharges - Worksheet S-3 Part 1, Column 15, Line 12
- Medicaid Days - Worksheet S-3, Part I, Column 5, Line 1 + Lines 6-10
- Medicaid HMO Days - Worksheet S-3, Part I, Column 5, Line 2
- Total Inpatient Days - Worksheet S-3 Part 1, Column 6, Line 1, 2 + Lines 6 -10
- Total Hospital Charges - Worksheet C Part 1, Column 8, Line 101
- Charity Care Charges - Worksheet S-10, Column 1, Line 30

The CMS 2552-10 data elements are as follows:

- Total Discharges - Worksheet S-3 Part 1, Column 15, Line 14
- Medicaid Days - Worksheet S-3, Part I, Column 7, Line 1 + Lines 8-12
- Medicaid HMO Days - Worksheet S-3, Part I, Column 7, Line 2
- Total Inpatient Days - Worksheet S-3 Part 1, Column 8, Line 1, 2 + Lines 8 - 12
- Total Hospital Charges - Worksheet C Part 1, Column 8, Line 200
- Charity Care Charges - Worksheet S-10, Column 3, Line 20

For information about the cost report data elements that are used in the Medicare hospital incentive calculation, please see FAQ #10717.

**Date Updated: 8/9/2011**  
**ID #10771**

**97) What are the EHR reporting periods for eligible hospitals participating in both the Medicare and Medicaid EHR Incentive Programs, as well as the requirements for receiving an EHR incentive payment?**

There are two factors that determine the EHR reporting period for hospitals eligible for both the Medicare and Medicaid EHR Incentive Programs:

- Whether the hospital is attesting to Medicaid only; Medicaid first, then Medicare in the same fiscal year; Medicaid first, then Medicare in a later fiscal year; or Medicare and Medicaid simultaneously/Medicare first, then Medicaid in a later fiscal year.
- The payment year for which the hospital is attesting (first, second, third etc.)

See the table below (where having adopted, implemented, or upgraded to certified EHR technology for Medicaid is abbreviated as AIU and meaningful use is abbreviated as MU):

Hospital Participating In:			
Payment Year	Medicaid Incentive Program Only	Medicaid 1 <sup>st</sup> , then Medicare in same FY	Medicare and Medicaid Simultaneously / Medicare 1 <sup>st</sup> , then Medicaid in a later FY
<b>1<sup>st</sup> payment year</b>	AIU	AIU (Medicaid);	<b>MU, 90 day reporting period</b>
		MU, 90 day reporting period (Medicare)	
<b>2<sup>nd</sup> payment year</b>	<b>MU, 90 day reporting period</b>	<b>MU, 12 month reporting period</b>	<b>MU, 12 month reporting period</b>
<b>3<sup>rd</sup> payment year</b>	<b>MU, 12 month reporting period</b>	<b>MU, 12 month reporting period</b>	<b>MU, 12 month reporting period</b>

Relevant points to remember regarding eligible hospitals:

- Hospitals that are eligible for EHR incentive payments under both Medicare and Medicaid should select "Both Medicare and Medicaid" during the registration process, even if they initially plan to apply for an incentive under only one program.
- A hospital that is a meaningful EHR user under the Medicare EHR Incentive Program is deemed to be a meaningful user for Medicaid. CMS will audit hospitals eligible for both the Medicare and Medicaid EHR Incentive Programs for compliance with the meaningful use requirements under the Medicare program. The states are responsible for auditing AIU and other requirements for receiving an EHR incentive payment, such as patient volume.
- There will never be two consecutive years of 90-day reporting periods for meaningful use. The 90-day reporting period is always followed by a 12-month reporting period the following year, irrespective of when attestation occurred and whether to Medicare or Medicaid.
- The reporting period must begin and end in the Federal Fiscal Year that constitutes the payment year.
- There is no reporting period for adopt/implement/upgrade.
- A hospital participating in the Medicaid EHR incentive program must meet all Medicaid requirements, including patient volume requirements.
- See p. 44323 of the Stage 1 Final Rule for Stages of meaningful use by payment year.

**Date Updated: 1/19/2012**  
**ID #10826**

**98) If a State had their Medicaid Electronic Health Record (EHR) Incentive Program approved and ready to go by 1/1/2011, could a provider use for their 90-day patient volume period 10/1-12/31/2010 to qualify for a payment as of 1/1/2011?**

Yes. We specify that the volume period needs to be any 90-day period in the preceding calendar year. The provider would also need to demonstrate adopt, implement, upgrade of certified EHR technology (AIU) in order to qualify for an incentive payment.

**Date Updated: 2/24/2011**

**ID #10105**

**99) Does a State have the option of solely using a state-submitted alternative methodology (pending CMS approval) for determining patient volume, or is the State additionally required to use one of the CMS specified methodologies (patient encounter or patient volume) for the Medicaid Electronic Health Record (EHR) Incentive Program?**

Yes, the State can submit to us for approval only the alternative methodology that meets the requirements of 495.306(g). As we stated in the preamble to the final rule, we believe most States will not submit alternative methodologies until after the first year of the program, allowing for alternatives to recognize evolving State and provider experience with patient volume estimate methodologies. We recommend that States consider the methodologies that were put forward in the final rule, prior to proposing only an alternative in their State Medicaid Health Information Technology Plans (SMHPs). If a State alternative methodology is approved by us, we will post this methodology on our website, so that other States may adopt the methodology as well.

**Date Updated: 2/24/2011**

**ID #10110**

**100) Is data sharing with neighboring States permitted regarding total Medicaid days for purposes of paying full incentives to hospitals or eligible professionals (EPs) with utilization in multiple states under the Medicaid Electronic Health Record (EHR) Incentive Program?**

Yes. The CMS final rule clarifies the policy about calculating patient volume for Medicaid providers with clinical practices in more than one State, both in terms of what is "Medicaid patient volume" and about the cross-border issue. See 75 FR 44503, stating: "[W]e recommend that States consider the circumstances of border State providers when developing their policies and attestation methodologies. To afford States maximum flexibility to develop such policies, we will not be prescriptive about whether a State may allow a Medicaid EP to aggregate his/her patients across practice sites, if the State has a way to verify the patient volume attestation when necessary. States will propose their policies and attestation methodologies to CMS for approval in their State Medicaid HIT plans." However, as stated in the final rule, EPs and hospitals are permitted to receive payment from only one State in a

payment year (495.310(e)). To view the final rule, please visit:  
<http://edocket.access.gpo.gov/2010/pdf/2010-17207.pdf>.

**Date Updated: 2/24/2011**  
**ID #10109**

**101) It seems that each State has the latitude to define the 12-month period from which to derive the Medicaid share data for the purposes of the Medicaid Electronic Health Record (EHR) Incentive Program. Neither the preamble nor the regulatory text of the final rule explicitly stipulate that the 12-month period selected by the state for the Medicaid share data needs to be in the federal fiscal year (FY\_ before the hospital's FY that serves as the first payment year. Am I correct in this interpretation? In other words, a state could use two different 12-month periods to calculate the discharge-related amount and the Medicaid share?**

No, this is not correct. The regulation is clear that the discharge-related amount must be calculated using a 12-month period that ends in the Federal fiscal year before the hospital's fiscal year that serves as the first payment year. 42 CFR 495.310(g)(1)(i)(B). This statement also was made in the preamble, where we stated: "For purposes of administrative simplicity and timeliness, we require that States use data on the hospital discharges from the hospital fiscal year that ends during the Federal fiscal year prior to the fiscal year that serves as the first payment year" 75 FR 44498. In addition, the regulation indicates that the period that is used for the Medicaid share is the same period as that used for the discharge-related amount. See 42 CFR 495.310(g)(2)(i) referring to "the 12-month period selected by the State." Use of "the" in 495.310(g)(2) indicates that this is the same 12-month period that is used under 495.310(g)(1). In addition, we believe that using different periods for the Medicaid share versus the discharge-related amount would lead to inaccurate estimates, as data would be drawn from inconsistent periods. To view the final rule, please visit: <http://edocket.access.gpo.gov/2010/pdf/2010-17207.pdf>.

**Date Updated: 2/24/2011**  
**ID #10104**

## **Critical Access Hospital Questions**

**102) What is the definition of "reasonable cost" for critical access hospitals (CAHs) under the Medicare and Medicaid Electronic Health Records (EHR) Incentive Programs?**

The reasonable costs for which a CAH may receive an EHR incentive payment are the reasonable acquisition costs for the purchase of certified EHR technology to which purchase depreciation (excluding interest) would otherwise apply. Section 495.106(a) of the regulations states that reasonable costs incurred for the purchase of certified EHR technology for a qualifying CAH means the reasonable acquisition costs incurred for the purchase of depreciable assets as described in part 413 subpart G of the regulations, such as computers and associated hardware and software, necessary to administer certified EHR technology as defined in section 495.4 excluding any depreciation and interest expenses associated with the acquisition. This EHR incentive payment provision allows a qualifying CAH to expense

the acquisition costs of a qualifying asset in a single payment year instead of depreciating the acquisition costs over the useful life of the asset. If a qualifying CAH incurs non-depreciable expenses related to implementing/maintaining its EHR system, those expenses cannot be included in the EHR incentive payment. However, those expenses may be an allowable cost for Medicare payment purposes, under the current reasonable cost payment methodology for CAHs, in the cost reporting period in which such expenses are incurred. For example, if a qualifying CAH rents its EHR technology assets, instead of purchasing the assets, the rent expense cannot be included in the EHR incentive payment. However, the rent expense may be an allowable cost for Medicare payment purposes, under the current reasonable cost payment methodology for CAHs, in the cost reporting period in which such expense is incurred.

Qualifying CAHs should contact their Medicare contractor to answer questions on reasonable costs that will be included in the calculation of the EHR incentive payment.

**Date Updated:** 3/7/2011  
**ID #**10163

**103) When calculating inpatient bed days for the Medicaid Electronic Health Record (EHR) Incentive Program, can Critical Access Hospitals (CAHs) exclude swing bed days from the average length of stay if this is consistent with how they complete the Medicare and Medicaid cost reports?**

Swing beds days that are used to furnish skilled nursing facility (SNF) or nursing facility-level care would not normally be considered part of the inpatient acute-care part of the hospital, whereas swing bed days that are used to furnish inpatient-level care are part of the acute-care part of the hospital. However, for CAHs participating in the Medicaid EHR Incentive program, when there is no way to distinguish between days used to furnish SNF-level care versus inpatient acute-level care, we will allow States to exclude these days, if it is consistent with how the CAH completes the Medicare and Medicaid cost report. As the Medicaid EHR Incentive Program requires eligible acute care hospitals to have an average length of stay of 25 days or fewer, exclusion of swing bed days may facilitate CAH participation in the Medicaid EHR Incentive Program.

**Date Updated:** 6/13/2011  
**ID #**10668

## V. Medicare EHR Incentive Program for Hospitals

### Registration Questions

- 104) If a dually-eligible hospital initially registers only for the Medicaid EHR Incentive Program, but later decides that it wants to also register for the Medicare EHR Incentive Program, can it go back and change its registration from Medicaid only to both Medicare and Medicaid?**

Hospitals that are eligible for EHR incentive payments under both Medicare and Medicaid should select "Both Medicare and Medicaid" during the registration process, even if they plan to apply only for a Medicaid EHR incentive payment by adopting, implementing, or upgrading certified EHR technology. Dually-eligible hospitals can then attest through CMS for their Medicare EHR incentive payment at a later date, if they so desire. It is important for a dually-eligible hospital to select "Both Medicare and Medicaid" from the start of registration in order to maintain this option. Hospitals that register only for the Medicaid program (or only the Medicare program) will not be able to manually change their registration (i.e., change to "Both Medicare and Medicaid" or from one program to the other) after a payment is initiated and this may cause significant delays in receiving a Medicare EHR incentive payment.

**Date Updated:** 12/9/2010

**ID #10267**

### Payment Questions

- 105) After successfully demonstrating meaningful use for the Medicare and Medicaid Electronic Health Record (EHR) Incentive Program, will incentive payments be paid as a lump sum or in multiple installments?**

Eligible professionals (EPs) participating in the Medicare EHR Incentive Program will receive a single lump sum payment for each year they successfully demonstrate meaningful use of certified EHR technology. Eligible hospitals and critical access hospitals (CAHs) participating in the Medicare EHR Incentive Program will first receive an initial payment. The final payment will be determined at the time of settling the hospital cost report. Payments to Medicare providers will be made to the taxpayer identification number (TIN) selected at the time of registration, through the same channels their claims payments are made. However, for EPs practicing in a health professional shortage area (HPSA), the additional incentive payment will be paid separately to the same TIN as the incentive payment.

Medicaid incentives will be paid by the States. EPs, eligible hospitals, and CAHs participating in the Medicaid EHR Incentive Program should check with their State.

**Date Updated:** 10/18/2010

ID #10161

### **Meaningful Use Questions**

#### **106) What is the reporting period for eligible hospitals participating in the Medicare and Medicaid Electronic Health Record (EHR) Incentive Program?**

For an eligible hospital or critical access hospital's first payment year, the EHR reporting period is a continuous 90-day period within a Federal fiscal year. In subsequent years, the EHR reporting period for eligible hospitals and critical access hospitals (CAHs) is the entire Federal fiscal year.

Date Updated: 7/30/2010

ID # 9962

#### **107) For calculation of a Medicaid hospital's electronic health record (EHR) incentive payment, is the estimated growth rate for hospitals most recent three years based on growth in total days or growth in discharges? (The data sources for these are different.)**

The average annual growth rate should be for discharges (see 1903(t)(5)(B), referring to the annual rate of growth of the most recent 3 years for "discharge data.") We agree that the sources are different. Hospitals would probably have to use MMIS or auditable hospital records to get accurate discharge data rate of growth. To view the final rule, please visit: <http://edocket.access.gpo.gov/2010/pdf/2010-17207.pdf>.

Date Updated: 2/24/2011

ID #10108

#### **108) Does a State have the option of solely using a state-submitted alternative methodology (pending CMS approval) for determining patient volume, or is the State additionally required to use one of the CMS specified methodologies (patient encounter or patient volume) for the Medicaid Electronic Health Record (EHR) Incentive Program?**

Yes, the State can submit to us for approval only the alternative methodology that meets the requirements of 495.306(g). As we stated in the preamble to the final rule, we believe most States will not submit alternative methodologies until after the first year of the program, allowing for alternatives to recognize evolving State and provider experience with patient volume estimate methodologies. We recommend that States consider the methodologies that were put forward in the final rule, prior to proposing only an alternative in their State Medicaid Health Information Technology Plans (SMHPs). If a State alternative methodology is approved by us, we will post this methodology on our website, so that other States may adopt the methodology as well.

Date Updated: 2/25/2011

ID #10110

**109) A number of measures for Meaningful Use objectives for eligible hospitals and critical access hospitals (CAHs) include patients admitted to the Emergency Department (ED). Which ED patients should be included in the denominators of these measures for the Medicare and Medicaid Electronic Health Record (EHR) Incentive Programs?**

On September 17, 2010, we issued an FAQ that explained that our intent to include in the denominator visits to the emergency department (ED) of sufficient duration and complexity that all of the Meaningful Use objectives for which the ED is included would be relevant. Therefore we explained that eligible hospitals and CAHs should count in the denominator patients admitted to the inpatient part of the hospital through the ED, as well as patients who initially present to the ED and who are treated in the ED's observation unit or who otherwise receive observation services.

Since that response was issued, we have received questions regarding which observation services should be included. We have also received responses noting that the plain language of the regulation would allow for a reading that counts all emergency department visits, and not just those identified in our September 17th FAQ.

Therefore, we are revising our FAQ to allow eligible hospitals and CAHs, as an alternative, for Stage 1 of Meaningful Use, to use a method that is consistent with the plain language of the regulation. There are two methods for calculating ED admissions for the denominators for measures associated with Stage 1 of Meaningful Use objectives. Eligible hospitals and CAHs must select one of the methods below for calculating ED admissions to be applied consistently to all denominators for the measures. That is, eligible hospitals and CAHs must choose either the "Observation Services method" or the "All ED Visits method" to be used with all measures.

Providers cannot calculate the denominator of some measures using the "Observation Services method," while using the "All ED Visits method" for the denominator of other measures. Before attesting, eligible hospitals and CAHs will have to indicate which method they used in the calculation of denominators.

Observation Services method. The denominator should include the following visits to the ED:

The patient is admitted to the inpatient setting (place of service (POS) 21) through the ED. In this situation, the orders entered in the ED using certified EHR technology would count for purposes of determining the computerized provider order entry (CPOE) Meaningful Use measure. Similarly, other actions taken within the ED would count for purposes of determining Meaningful Use

The patient initially presented to the ED and is treated in the ED's observation unit or otherwise receives observation services. Details on observation services can be found in the Medicare Benefit Policy Manual, Chapter 6, Section 20.6. Patients who receive observation services under both POS 22 and POS 23 should be included in the denominator.

All ED Visits method. An alternate method for computing admissions to the ED is to include all ED visits (POS 23 only) in the denominator for all measures requiring inclusion of ED admissions. All actions taken in the inpatient or emergency departments (POS 21 and 23) of the hospital would count for purposes of determining meaningful use.

**Date Updated:** 12/1/2010  
**ID #10126**

#### **110) When will a Medicare Subsection (d) Hospital be paid under the Medicare EHR Incentive Program?**

Upon submission of a successful attestation of meaningful use, the hospital will be eligible for an EHR incentive payment. The hospital will receive a preliminary, initial payment soon after attestation (usually within 4 to 6 weeks). The initial payment will be calculated based on the data reported on the hospital's latest submitted 12-month cost report.

Final payment will then be determined at the time of settling the first 12-month hospital cost report for the hospital fiscal year that begins on or after the first day of the payment year. Preliminary payments will be reconciled to the actual amounts at final settlement of the cost report.

Example – A hospital has a December 31 fiscal year end, and attests as a meaningful user on August 1, 2011. At the time of such attestation:

- The latest filed cost report will most likely be the fiscal year end December 31, 2010 cost report. Data from that cost report will be used to calculate the initial payment (subject to review by the Medicare contractor).
- Final payment will be based on data from the fiscal year end December 31, 2011 cost report. This is the first 12-month cost reporting period that begins in payment year 2011 (which is Federal fiscal year 2011). These data will be used to “reconcile” the initial payment, at final settlement of the cost report.

The new Medicare hospital cost report, Form CMS 2552-10, will contain worksheets to accommodate the EHR incentive payments.

Note – the EHR incentive payments will be made by a single payment contractor, and not by the hospitals' Medicare contractor (Fiscal Intermediary/Medicare Administrative Contractor).

**Date Updated:** 7/11/2011  
**ID #10716**

#### **111) What cost report data elements are used in the EHR incentive payment calculation for Medicare Subsection (d) Hospitals?**

The current Medicare cost report, Form CMS 2552-96, will be used until the implementation of the new Medicare cost report, Form CMS 2552-10. The CMS 2552-96 data elements are as follows:

- Total Discharges - Worksheet S-3 Part 1, Column 15, Line 12
- Inpatient Part A Days - Worksheet S-3 Part 1, Column 4, Line 1 + Lines 6 through 10
- Inpatient Part C Days - Worksheet S-3 Part 1, Column 4, Line 2
- Total Inpatient Days - Worksheet S-3 Part 1, Column 6, Line 1 + Lines 6 through 10
- Total Charges - Worksheet C Part 1, Column 8, Line 101
- Charity Care Charges - Worksheet S-10, Column 1, Line 30

The CMS 2552-10 data elements are as follows:

- Total Discharges - Worksheet S-3 Part 1, Column 15, Line 14
- Inpatient Part A Days - Worksheet S-3 Part 1, Column 6, Line 1 + Lines 8 through 12
- Inpatient Part C Days - Worksheet S-3 Part 1, Column 6, Line 2
- Total Inpatient Days - Worksheet S-3 Part 1, Column 8, Line 1 + Lines 8 through 12
- Total Charges - Worksheet C Part 1, Column 8, Line 200
- Charity Care Charges - Worksheet S-10, Column 3, Line 20

For information about the cost report data elements that are used in the Medicaid hospital incentive calculation, please see FAQ #10771.

**Date Updated: 7/11/2011**  
**ID #10717**

**112) Will nursery days (for newborns) be included as inpatient-bed-days in the calculation of hospital incentives for the Medicare and Medicaid EHR Incentive Programs?**

No, nursery days will not be included as inpatient-bed-days in the calculation of hospital incentives for the Medicare and Medicaid EHR Incentive Programs. Nursery days are excluded because they are not considered inpatient-bed-days based on the level of care provided during a normal nursery stay.

**Date Updated: 1/24/2011**  
**ID #10361**

**113) If patients are dually eligible for Medicare and Medicaid, can they be counted twice by hospitals in their calculations for incentive payment if they are applying for both Medicare and Medicaid Electronic Health Record (EHR) Incentive Programs?**

For purposes of calculating the Medicaid share, a patient cannot be counted in the numerator if they would count for purposes of calculating the Medicare share. Thus, in this respect the inpatient bed day of a dually eligible patient could not be counted in the Medicaid share numerator. (See 1903(t)(5)(C), stating that the numerator of the Medicaid share does not include individuals "described in section 1886(n)(2)(D)(i).") In other respects; however, the patient would count twice. For example, in both cases, the individual would count in the total discharges of the

hospital. To view the final rule, please visit:

<http://edocket.access.gpo.gov/2010/pdf/2010-17207.pdf>.

Date Updated: 2/24/2011

ID #10106

## Critical Access Hospital Questions

### 114) What is the definition of "reasonable cost" for critical access hospitals (CAHs) under the Medicare and Medicaid Electronic Health Records (EHR) Incentive Programs?

The reasonable costs for which a CAH may receive an EHR incentive payment are the reasonable acquisition costs for the purchase of certified EHR technology to which purchase depreciation (excluding interest) would otherwise apply. Section 495.106(a) of the regulations states that reasonable costs incurred for the purchase of certified EHR technology for a qualifying CAH means the reasonable acquisition costs incurred for the purchase of depreciable assets as described in part 413 subpart G of the regulations, such as computers and associated hardware and software, necessary to administer certified EHR technology as defined in section 495.4 excluding any depreciation and interest expenses associated with the acquisition. This EHR incentive payment provision allows a qualifying CAH to expense the acquisition costs of a qualifying asset in a single payment year instead of depreciating the acquisition costs over the useful life of the asset. If a qualifying CAH incurs non-depreciable expenses related to implementing/maintaining its EHR system, those expenses cannot be included in the EHR incentive payment. However, those expenses may be an allowable cost for Medicare payment purposes, under the current reasonable cost payment methodology for CAHs, in the cost reporting period in which such expenses are incurred. For example, if a qualifying CAH rents its EHR technology assets, instead of purchasing the assets, the rent expense cannot be included in the EHR incentive payment. However, the rent expense may be an allowable cost for Medicare payment purposes, under the current reasonable cost payment methodology for CAHs, in the cost reporting period in which such expense is incurred.

Qualifying CAHs should contact their Medicare contractor to answer questions on reasonable costs that will be included in the calculation of the EHR incentive payment.

Date Updated: 3/7/2011

ID #10163

### 115) What if a Critical Access Hospital (CAH) purchases certified EHR technology, but it also includes other non-EHR functionality? Can the CAH include the cost in the Medicare EHR incentive payment?

The CAH may only include the portion of the reasonable costs of the system that pertains to certified EHR technology (what is required to achieve Meaningful Use). For example, if a certified system is purchased, and it also includes a payroll or other non-EHR module, only the portion of the reasonable costs pertaining to the certified

EHR technology may be included in the EHR incentive payment. The CAH must be able to provide documentation to the Medicare contractor (FI/MAC) to support the portion that it intends to claim.

Any other costs may continue to be included in the Medicare cost report, subject to reasonable cost principles.

**Date Updated:** 7/11/2011  
**ID #**10726

#### **116) What if a Critical Access Hospital (CAH) purchases certified EHR technology, and the hardware needed to support it is shared with other systems?**

The CAH may only include the portion of the reasonable costs of the hardware that pertains to certified EHR technology (what is required to achieve Meaningful Use). For example, if a certified system is purchased, and is housed on a server that contains other non-EHR systems, only the portion of the reasonable costs that pertains to the certified EHR technology may be included in the Medicare EHR incentive payment. The CAH must be able to provide documentation to the Medicare contractor (FI/MAC) to support the portion that it intends to claim.

Any other costs may continue to be included in the Medicare cost report, subject to reasonable cost principles.

**Date Updated:** 7/11/2011  
**ID #**10727

#### **117) How are Medicare EHR Incentive Payments Calculated for Critical Access Hospitals (CAHs)?**

CAHs are currently paid based on reasonable cost principles; therefore, their EHR incentive payments are calculated differently from the incentive payments to subsection (d) hospitals. A CAH must meet the definition of a meaningful EHR user to qualify to be paid the incentive payment for a payment year. A payment year means a Federal fiscal year beginning after FY 2010 and before FY 2016. In no case are incentive payments made with respect to cost reporting periods that begin during a payment year before FY 2011 or after FY 2015, and in no case may a CAH receive an incentive payment with respect to more than 4 consecutive payment years. The incentive payment made to a qualifying CAH equals:

[Allowable cost amount] \* [Medicare Share].

The allowable cost amount equals the costs of depreciable assets purchased, such as computers and associated software, necessary to administer certified EHR technology. The incentive payment permits a qualifying CAH to expense the allowable cost amount in a single payment year rather than depreciating the costs over the useful life of the purchased asset. The allowable cost amount for a cost reporting period that begins in a payment year includes the reasonable cost incurred for the purchase of certified EHR technology in that payment year plus the

undepreciated costs for assets purchased, prior to the CAH becoming qualified, that are also being used to administer certified EHR technology in that payment year.

The Medicare Share is a fraction based on Medicare fee-for-service and managed care inpatient days, divided by total inpatient days, modified by charges for charity care:

- Numerator = (1) The number of inpatient-bed-days which are attributable to individuals with respect to whom payment may be made under Part A, including individuals enrolled in section 1876 Medicare cost plans; and  
(2) The number of inpatient-bed-days which are attributable to individuals who are enrolled with a Medicare Advantage organization
- Denominator = Total number of acute care inpatient-bed-days; \* ((Total amount of the eligible hospital's charges – charges attributable to charity care)/Total amount of the eligible hospital's charges))

For CAHs, 20 percentage points are added to the Medicare Share calculation (not to exceed 100 percent).

In order for the CAH to receive its interim incentive payment, upon attestation, it must submit supporting documentation for its incurred costs of purchasing certified EHR technology to its Medicare contractor (Fiscal Intermediary/Medicare Administrative Contractor). The Medicare contractor will then calculate the allowable amount. The interim incentive payment is then subject to reconciliation to determine the final incentive payment amount. The final payment amount constitutes payment in full for the reasonable costs incurred for the purchase of certified EHR technology in the single payment year.

**Date Updated: 7/11/2011**

**ID #10718**

#### **118) What costs can be included in the Critical Access Hospital's Medicare EHR incentive payment?**

The EHR incentive payment shall only include reasonable costs for the purchase of certified EHR technology to which purchase depreciation would apply. This would include the computers, and associated hardware and software, necessary to administer certified EHR technology.

If the cost cannot be included as a depreciable asset under normal Medicare cost reporting principles, it cannot be included in the EHR incentive payment. However, the CAH may continue to report all other costs on the Medicare Cost Report, and be reimbursed under reasonable costs principles.

Since the reasonable costs of the depreciable assets being included in the EHR incentive payment are allowed to be expensed in their entirety in the year incurred, the CAH must ensure that the resulting depreciation on those assets is not included in subsequent cost reports.

**Date Updated: 7/11/2011**

ID #10720

**119) Can a Critical Access Hospital (CAH) include costs to lease/rent certified EHR technology in the Medicare EHR incentive payment?**

No. Costs to lease/rent certified EHR technology cannot be included in the incentive payments. The costs allowable for the EHR incentive payment are only the reasonable costs to which purchase depreciation would apply. This would not include lease costs, whether it is an "operating" or "capital" lease.

The CAH may, however, continue to include the lease costs on its cost report, subject to reasonable cost principles.

Date Updated: 7/11/2011

ID #10722

**120) What if the Home Office purchases the certified EHR technology for the Critical Access Hospital (CAH)?**

If the certified EHR technology assets were purchased by the Home Office for the CAH, and the CAH meets the Meaningful Use criteria, the cost may be included in the Medicare EHR incentive payment calculation for the CAH. The cost must be directly attributable to the CAH, separately identifiable, and cannot be included in a pooled allocation of cost to the CAH on the Home Office Cost Statement. The CAH must be able to separately identify the assets to ensure that subsequent depreciation is not included. The CAH must maintain documentation to support the direct or functional allocation and to ensure that subsequent depreciation is not included in pooled allocations, as the Medicare contractor may need to review it to determine the allowable amount.

Date Updated: 7/11/2011

ID #10723

**121) What if the Home Office leases the certified EHR technology and allocates it to the Critical Access Hospital (CAH)?**

If the Home Office is leasing the certified EHR technology, and allocating cost to the CAH, it cannot be included in the Medicare EHR incentive payments. The costs allowable for the EHR incentive payment are only the reasonable costs to which purchase depreciation would apply.

The CAH may, however, continue to include the lease costs on its cost report, subject to reasonable cost principles.

Date Updated: 7/11/2011

ID #10724

**122) What if a group of providers purchase and share certified EHR technology? Can the Critical Access Hospital (CAH) include the cost in the Medicare EHR incentive payment?**

Yes, but only the portion that pertains to the specific CAH.

If there is a special arrangement where a group of providers purchase and share certified EHR technology, the specific CAH may only include the actual costs it incurred. For EHR incentive payments, the CAH may only include the costs of certified EHR technology to which purchase depreciation would apply. The CAH must maintain documentation to support the process of allocating the costs, as the Medicare contractor may need to review it to determine the allowable amount. The CAH must also have documentation to support that it has ownership in the assets, and is not renting/leasing the certified EHR technology.

**Date Updated:** 7/11/2011

**ID #10725**

**123) Can Critical Access Hospital (CAH) costs only be included in the first year for Medicare EHR incentive payments?**

No, if the CAH incurs reasonable costs for certified EHR technology in subsequent payment years, it may receive additional incentive payments. The documentation to support the cost may be sent to the Medicare contractor (FI/MAC) after the attestation for that payment year.

**Date Updated:** 7/11/2011

**ID #10721**

**124) Can Critical Access Hospital (CAH) costs only be included in the first year for Medicare EHR incentive payments?**

**125) When will a Critical Access Hospital (CAH) receive its Medicare EHR incentive payment?**

Upon submission of a successful attestation, the CAH will be eligible for an EHR incentive payment. In order for the incentive payment to be calculated, the CAH must submit documentation to its Medicare contractor (Fiscal Intermediary/Medicare Administrative Contractor) to support the costs incurred for certified EHR technology. Once the Medicare contractor calculates the allowable amount and Medicare Share the CAH should expect its interim incentive payment within 4 to 6 weeks.

The CAH will receive an interim incentive payment that will later be reconciled on the Medicare cost report. The interim payment will be calculated using the Medicare Share based on the data reported on the hospital's latest submitted 12-month cost report.

The interim payment will be included on the CAH's cost report that begins during the payment year, and will be reconciled to the actual amounts at final settlement of the cost report.

Example – If a hospital has a December 31 fiscal year end, and attests as a meaningful user on August 1, 2011:

- The latest filed cost report when the CAH attests will most likely be the fiscal year end December 31, 2010 cost report. The data on that cost report will be used to calculate the Medicare Share for the initial payment.
- The cost reporting period that begins during the HITECH payment year (which is the federal fiscal year) is the fiscal year ending December 31, 2011 cost reporting period (since the begin date of January 1, 2011 falls within the fiscal year 2011 HITECH year). The interim payment will be reconciled at final settlement of the cost report for this period.

The new Medicare hospital cost report, Form CMS 2552-10, will contain worksheets to accommodate the EHR incentive payments.

Note – the EHR incentive payments will be made by a single payment contractor, and not by the hospitals' Medicare contractor (Fiscal Intermediary/Medicare Administrative Contractor).

**Date Updated: 7/11/2011**

**ID #10719**

## **VI. Questions about Certified EHR Technology**

### **126) What is the purpose of certified electronic health record (EHR) technology?**

Certification of EHR technology will provide assurance to purchasers and other users that an EHR system or product offers the necessary technological capability, functionality, and security to help them satisfy the meaningful use objectives for the Medicare and Medicaid EHR Incentive Programs. Providers and patients must also be confident that the electronic health information technology (IT) products and systems they use are secure, can maintain data confidentially, and can work with other systems to share information. Confidence in health IT systems is an important part of advancing health IT system adoption and realizing the benefits of improved patient care.

For more information, please visit the Office of the National Coordinator's website at <http://healthit.hhs.gov/certification>.

**Date Updated:** 2/17/2011

**ID #10093**

### **127) What if a Critical Access Hospital (CAH) purchases certified EHR technology, and the hardware needed to support it is shared with other systems?**

The CAH may only include the portion of the reasonable costs of the hardware that pertains to certified EHR technology (what is required to achieve Meaningful Use). For example, if a certified system is purchased, and is housed on a server that contains other non-EHR systems, only the portion of the reasonable costs that pertains to the certified EHR technology may be included in the Medicare EHR incentive payment. The CAH must be able to provide documentation to the Medicare contractor (FI/MAC) to support the portion that it intends to claim.

Any other costs may continue to be included in the Medicare cost report, subject to reasonable cost principles.

**Date Updated:** 7/11/2011

**ID #10727**

### **128) Do I need to have an electronic health record (EHR) system in order to register for the Medicare and Medicaid EHR Incentive Programs?**

You do not need to have a certified EHR in order to register for the Medicare and Medicaid EHR Incentive Programs. However, to receive an incentive payment under the Medicare program, you must attest that you have demonstrated meaningful use of certified EHR technology during the EHR reporting period. For the first year of payment, the EHR reporting period is 90 consecutive days within the calendar year for eligible professionals (EPs) or within the Federal fiscal year for eligible hospitals and critical access hospitals (CAHs).

With regard to the Medicaid EHR Incentive program, for the first year of payment, EPs and hospitals must have adopted, implemented, upgraded certified EHR technology before they can receive an EHR incentive payment from the State. As an alternative to demonstrating that they have adopted, implemented or upgraded certified EHR technology, for the first year of payment, the EP or hospital may demonstrate that they are meaningful users of certified EHR technology for the 90-day EHR reporting period.

**Date Updated:** 2/17/2011

**ID #10083**

**129) Can two separate practices with two different Tax Identification Numbers (TINs) purchase a single certified electronic health record (EHR) system and share it in order to participate in the Medicare and Medicaid EHR Incentive Programs?**

Yes. Incentive payments are made based on the demonstration of meaningful use by individual eligible professionals (EPs). Certified EHR technology will track each EP's performance on the individual meaningful use objectives. Multiple practices that do not share a business affiliation could use the same certified EHR technology for their respective EPs.

**Date Updated:** 10/20/2011

**ID #10842**

**130) What if a group of providers purchase and share certified EHR technology? Can the Critical Access Hospital (CAH) include the cost in the Medicare EHR incentive payment?**

Yes, but only the portion that pertains to the specific CAH.

If there is a special arrangement where a group of providers purchase and share certified EHR technology, the specific CAH may only include the actual costs it incurred. For EHR incentive payments, the CAH may only include the costs of certified EHR technology to which purchase depreciation would apply. The CAH must maintain documentation to support the process of allocating the costs, as the Medicare contractor may need to review it to determine the allowable amount. The CAH must also have documentation to support that it has ownership in the assets, and is not renting/leasing the certified EHR technology.

**Date Updated:** 7/11/2011

**ID #10725**

**131) Must providers have their electronic health record (EHR) technology certified prior to beginning the EHR reporting period in order to demonstrate Meaningful Use under the Medicare and Medicaid EHR Incentive Programs?**

No. An EP or hospital may begin the EHR reporting period for demonstrating Meaningful Use before their EHR technology is certified. Certification need only be obtained prior to the end of the EHR reporting period. However, Meaningful Use

must be completed using the capabilities and standards outlined in the ONC Standards and Certification Regulation for certified EHR technology.

Any changes to the EHR technology after the beginning of the EHR reporting period that are made in order to get the EHR technology certified would be evidence that the provider was not using the capabilities and standards necessary to accomplish Meaningful Use because those capabilities and standards would not have been available, and thus, any such change (no matter how minimal) would disqualify the provider from being a meaningful EHR user. If providers begin the EHR reporting period prior to certification of their EHR technology, they are taking the risk that their EHR technology will not require any changes for certification.

Any changes made to gain certification must be done prior to the beginning of the EHR reporting period during which Meaningful Use will be demonstrated. This does not apply to changes made to EHR technology that were not necessary for certification.

**Date Updated:** 9/29/2010  
**ID #10157**

### **132) How do I know if my electronic health record (EHR) system is certified? How can I get my EHR system certified?**

The Medicare and Medicaid EHR Incentive Programs require the use of certified EHR technology, as established by a new set of standards and certification criteria.

Existing EHR technology needs to be certified by an ONC-Authorized Testing and Certification Body (ONC-ATCB) to meet these new criteria in order to qualify for the incentive payments. The Certified Health IT Product List (CHPL) is available at <http://www.healthit.hhs.gov/CHPL>. This is a list of complete EHRs and EHR modules that have been certified for the purposes of this program.

Through the temporary certification program, new certification bodies have been established to test and certify EHR technology. Vendors can submit their EHR products to the certifying bodies to be tested and certified. Hospitals and practices who have developed their own EHR systems or products can also seek to have their existing systems or products tested and certified. Complete EHRs may be certified as well as EHR modules that meet at least one of the certification criteria. Once a product is certified, the name of the product will be published on the ONC web site: <http://www.healthit.hhs.gov/CHPL>.

For more information, please visit the Office of the National Coordinator's website at <http://healthit.hhs.gov/certification>.

**Date Updated:** 2/17/2011  
**ID #10094**

### **133) My electronic health record (EHR) system is CCHIT certified. Does that mean it is certified for the Medicare and Medicaid EHR Incentive Programs?**

No. All EHR systems and technology must be certified specifically for this program. The Certified Health IT Product List is available at <http://www.healthit.gov/CHPL>. This is a list of all complete EHRs and EHR modules that have been certified for the purposes of this program.

The Medicare and Medicaid EHR Incentive Programs require the use of certified EHR technology, as established by a new set of standards and certification criteria. Existing EHR technology needs to be certified by an ONC-Authorized Testing and Certification Body (ONC-ATCB) to meet these new criteria in order to qualify for the incentive payments.

Through the temporary certification program, new certification bodies have been established to test and certify EHR technology. Vendors can submit their EHR products to the certifying bodies to be tested and certified. Hospitals and practices who have developed their own EHR systems or products can also seek to have their existing systems or products tested and certified. Complete EHRs may be certified as well as EHR modules that meet at least one of the certification criteria. Once a product is certified, the name of the product will be published on the ONC web site – <http://www.healthit.gov/CHPL>.

For more information, please visit the Office of the National Coordinator's website at <http://healthit.hhs.gov/>. For more information about the Medicare and Medicaid EHR Incentive Program, please visit: <http://www.cms.gov/EHRIIncentivePrograms>.

**Date Updated: 8/17/2010**

**ID #9809**

**134) For the Medicare and Medicaid Electronic Health Record (EHR) Incentive Programs, if the certified EHR technology possessed by an eligible professional (EP) generates zero denominators for all clinical quality measures (CQMs) in the additional set that it can calculate, is the EP responsible for determining whether they have zero denominators or data for any remaining CQMs in the additional set that their certified EHR technology is not capable of calculating?**

No, the EP is not responsible for determining the status of CQMs that their certified EHR technology is not capable of calculating. The certification criterion for ambulatory CQMs sets a minimum threshold in order for the certification criterion to be met. An EHR technology must be certified to the 6 core CQMs (3 core and 3 alternate core CQMs in Table 7 of the final rule) and at least 3 CQMs from the additional set (Table 6 of the final rule). In the final rule, we stated that it was our expectation that EPs would seek out certified EHR technologies that include and were certified for CQMs relevant to their scope of practice. In later stages of meaningful use and the corresponding certification requirements, we will seek to address situations where an EP does not obtain certified EHR technology that would enable the EP to report on CQMs that are relevant to their practice.

To view the final rule for the Medicare and Medicaid EHR incentive programs, please visit: <http://edocket.access.gpo.gov/2010/pdf/2010-17207.pdf>.

Last Updated: February 2012

**Date Updated:** 5/23/2011  
**ID #**10648

**135) For the Medicare and Medicaid Electronic Health Record (EHR) Incentive Programs, if certified EHR technology possessed by an eligible professional (EP) includes the ability to calculate clinical quality measures (CQMs) from the additional set that are not indicated by the EHR developer or on the Certified Health Information Technology Product List (CHPL) as tested and certified by an ONC - Authorized Testing and Certification Body (ONC-ATCB), can the EP submit the results of those CQMs to CMS as part of their meaningful use attestation?**

Yes, the EP can submit results for CQMs in the additional set (Table 6 of the final rule) calculated by certified EHR technology, even if those CQMs were not individually tested and certified by an ONC-ATCB. We expect to revisit CQM requirements in more detail for later stages of meaningful use as well as the corresponding certification requirements.

To view the final rule for the Medicare and Medicaid EHR incentive programs, please visit: <http://edocket.access.gpo.gov/2010/pdf/2010-17207.pdf>.

**Date Updated:** 5/23/2011  
**ID #**10649

**136) If a provider purchases a Complete Electronic Health Record (EHR) but opts to use alternate certified EHR modules for certain Meaningful Use functionality, will that provider qualify as a Meaningful User under the Medicare and Medicaid EHR Incentive Programs?**

To successfully demonstrate meaningful use a provider must do three things:

1. Have certified EHR technology capable of demonstrating meaningful use, either through a complete certified EHR or a combination of certified EHR modules;
2. Meet the measures or exclusions for 20 Meaningful Use objectives (19 objectives for eligible hospitals and Critical Access Hospitals (CAHs)); and
3. Meet those measures using the capabilities and standards that were certified to accomplish each objective.

If a provider can meet all of these requirements, that provider may qualify for an incentive payment under the Medicare and Medicaid EHR Incentive Programs.

**Date Updated:** 9/24/2010  
**ID #**10135

**137) To meet the meaningful use objective "use certified EHR technology to identify patient-specific resources and provide those resources to the patient" for the Medicare and Medicaid Electronic Health Record (EHR) Incentive Programs, does**

**the certified EHR have to generate the education resources or can the EHR simply alert the provider of available resources?**

In the patient-specific education resources objective, education resources or materials do not have to be stored within or generated by the certified EHR. However, the provider should utilize certified EHR technology in a manner where the technology suggests patient-specific educational resources based on the information stored in the certified EHR technology. The provider can make a final decision on whether the education resource is useful and relevant to a specific patient.

**Date Updated:** 10/18/2010  
**ID #**10164

**138) If my certified electronic health record (EHR) technology is capable of submitting batch files to an immunization registry using the standards adopted by the Office of the National Coordinator of Health Information Technology (HL7 2.3.1 or 2.5.1, and CVX), is that sufficient to meet the Meaningful Use objective "submit electronic data to immunization registries" for the Medicare and Medicaid EHR Incentive Programs?**

Submitting batch files to an immunization registry, provided that they are formatted according to the standards adopted by the Office of the National Coordinator of Health Information Technology, is sufficient to meet the Meaningful Use objective "submit electronic data to immunization registries."

**Date Updated:** 7/11/2011  
**ID #**10713

**139) If my certified EHR technology only includes the capability to submit information to an immunization registry using the HL7 2.3.1 standard but the immunization registry only accepts information formatted in the HL7 2.5.1 or some other standard, will I qualify for an exclusion because the immunization registry does not have the capacity to receive the information electronically? What if the immunization registry has a waiting list or is unable to test for other reasons but can accept information formatted in HL7 2.3.1, is that still a valid exclusion?**

If the immunization registry does not accept information in the standard to which your EHR technology has been certified—that is, if your EHR is certified to the HL7 2.3.1 standard and the immunization registry only accepts HL7 2.5.1, or vice versa—and if the immunization registry is the only immunization registry to which you can submit such information, then you can claim an exclusion to this Meaningful Use objective because the immunization registry does not have the capacity to receive the information electronically. The capacity of the immunization registry is determined by the ability of the immunization registry to test with an individual EP or eligible hospital.

An immunization registry may have the capacity to accept immunization data from another EP or hospital, but if for any reason (e.g. waiting list, on-boarding process, other requirements, etc) the registry cannot test with a specific EP or hospital, that EP or hospital can exclude the objective. It is the responsibility of the EP or hospital to

document the justification for their exclusion (including making clear that the immunization registry in question is the only one it can submit information to). If the immunization registry, due to State law or policy, would not accept immunization data from you (e.g., not a lifespan registry, etc), you can also claim the exclusion for this objective. Please note, this FAQ applies in principle to all of the Stage 1 public health meaningful use measures (syndromic surveillance and reportable lab conditions).

**Date Updated:** 7/11/2011  
**ID #10714**

**140) If a provider purchases a certified Complete Electronic Health Record (EHR) or has a combination of certified EHR Modules that collectively satisfy the definition of certified EHR technology, but opts to use a different, uncertified EHR technology to meet certain meaningful use core or menu set objectives and measures, will that provider be able to successfully demonstrate meaningful use under the Medicare and Medicaid EHR Incentive Programs?**

No, the provider would not be able to successfully demonstrate meaningful use. To successfully demonstrate meaningful use, a provider must do three things:

1. Have certified EHR technology capable of demonstrating meaningful use, either through a complete certified EHR or a combination of certified EHR modules;
2. Meet the measures or exclusions for 20 Meaningful Use objectives (19 objectives for eligible hospitals and Critical Access Hospitals (CAHs)); and
3. Meet those measures using the capabilities and standards that were certified to accomplish each objective.

A provider using uncertified EHR technology to meet one or more of the core or menu set measures would not be using the capabilities and standards that were certified to accomplish each objective. Please note that this does not apply to the use of uncertified EHR technology and/or paper-based records for purposes of reporting on certain meaningful use measures (i.e., measures other than clinical quality measures), which is addressed in FAQ #10589.

**Date Updated:** 4/22/2011  
**ID #10590**

**141) If data is captured using certified electronic health record (EHR) technology, can an eligible professional or eligible hospital use a different system to generate reports used to demonstrate meaningful use for the Medicare and Medicaid EHR Incentive Programs?**

By definition, certified EHR technology must include the capability to electronically record the numerator and denominator and generate a report including the numerator, denominator, and resulting percentage for all percentage-based meaningful use measures (specified in the certification criterion adopted at 45 CFR 170.302(n)). However, the meaningful use measures do not specify that this capability must be used to calculate the numerators and denominators. Eligible

professionals and eligible hospitals may use a separate, non-certified system to calculate numerators and denominators and to generate reports on the measures of the core and menu set meaningful use objectives.

Eligible professionals and eligible hospitals will then enter this information in CMS' web-based Medicare and Medicaid EHR Incentive Program Registration and Attestation System. Eligible professionals and eligible hospitals will fill in numerators and denominators for meaningful use objectives, indicate if they qualify for exclusions to specific objectives, report on clinical quality measures, and legally attest that they have successfully demonstrated meaningful use.

Please note that eligible professionals and eligible hospitals cannot use a non-certified system to calculate the numerators, denominators, and exclusion information for clinical quality measures. Numerator, denominator, and exclusion information for clinical quality measures must be reported directly from certified EHR technology. For additional clarification about this, please refer to the following FAQ from the Office of the National Coordinator of Health Information Technology:  
[http://healthit.hhs.gov/portal/server.pt/community/onc\\_regulations\\_faqs/3163/faq\\_13/20775](http://healthit.hhs.gov/portal/server.pt/community/onc_regulations_faqs/3163/faq_13/20775).

**Date Updated:** 3/7/2011  
**ID #10465**

## VII. Questions about Meaningful Use and Clinical Quality Measures

### ***General Questions about Meaningful Use & Reporting Period***

#### **143) What is meaningful use, and how does it apply to the Medicare and Medicaid Electronic Health Record (EHR) Incentive Programs?**

Under the Health Information Technology for Economic and Clinical Health (HITECH Act), which was enacted under the American Recovery and Reinvestment Act of 2009 (Recovery Act), incentive payments are available to eligible professionals (EPs), critical access hospitals, and eligible hospitals that successfully demonstrate are meaningful use of certified EHR technology.

The Recovery Act specifies three main components of meaningful use:

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

In the final rule Medicare and Medicaid EHR Incentive Program, CMS has defined stage one of meaningful use.

To view the final rule, please visit: <http://edocket.access.gpo.gov/2010/pdf/2010-17207.pdf>.

Date Updated: 2/17/2011  
ID #10084

#### **144) Under the Medicare and Medicaid Electronic Health Record (EHR) Incentive Program, who is responsible for demonstrating meaningful use of certified EHR technology, the provider or the vendor?**

To receive an EHR incentive payment, the provider (eligible professional (EP), eligible hospital or critical access hospital (CAH)) is responsible for demonstrating meaningful use of certified EHR technology under both the Medicare and Medicaid EHR incentive programs.

Date Updated: 7/30/2010  
ID #9967

#### **145) Is the physician the only person who can enter information in the electronic health record (EHR) in order to qualify for the Medicare and Medicaid EHR Incentive Programs?**

No. The Final Rule for the Medicare and Medicaid EHR incentive programs, specifies that in order to meet the meaningful use objective for computerized provider order entry (CPOE) for medication orders, any licensed healthcare professional can enter orders into the medical record per state, local, and professional guidelines. The remaining meaningful use objectives do not specify any requirement for who must enter information.

**Date Updated:** 2/17/2011  
**ID #**10071

**146) Can an eligible professional (EP) implement an electronic health record (EHR) system and satisfy meaningful use requirements at any time within the calendar year for the Medicare and Medicaid EHR Incentive Program?**

For a Medicare EP's first payment year, the EHR reporting period is a continuous 90-day period within a calendar year, so an EP must satisfy the meaningful use requirements for 90 consecutive days within their first year of participating in the program to qualify for an EHR incentive payment. In subsequent years, the EHR reporting period for EPs will be the entire calendar year. With regard to the Medicaid EHR Incentive program, EPs must have adopted, implemented, upgraded, or meaningfully used certified EHR technology during the first calendar year. If the Medicaid EP adopts, implements or upgrades in the first year of payment, and demonstrates meaningful use in the second year of payment, then the EHR reporting period in the second year is a continuous 90-day period within the calendar year; subsequent to that, the EHR reporting period is then the entire calendar year.

**Date Updated:** 2/17/2011  
**ID #**10086

**147) Where can I find a list of public health agencies and immunization registries to submit my data as required by the public health objectives for the Medicare and Medicaid Electronic Health Record (EHR) Incentive Programs?**

For information and/or instructions on where to submit your public health-related data, please contact your local or state public health agencies and immunization registries. The EHR Incentive Programs include public health objectives for submitting electronic data to immunization registries or immunization information systems, submitting electronic syndromic surveillance data to public health agencies, and (for eligible hospitals and CAHs only) submitting electronic data on reportable lab results to public health agencies.

**Date Updated:** 10/20/2011  
**ID #**10841

**148) Can an eligible hospital implement an electronic health record (EHR) system and satisfy meaningful use requirements at any time within the Federal fiscal year for the Medicare and Medicaid EHR Incentive Program?**

For an eligible hospital's first payment year, the EHR reporting period is a continuous 90-day period within a Federal Fiscal Year, so an eligible hospital must satisfy the meaningful use requirements for 90 consecutive days within their first Federal Fiscal Year of participating in the program to qualify for an EHR incentive payment. In subsequent years, the EHR reporting period for eligible hospitals will be the entire Federal Fiscal Year. With regard to the Medicaid EHR Incentive program, eligible hospitals must have adopted, implemented, upgraded, or meaningfully used certified EHR technology during the first Federal Fiscal Year. If the Medicaid eligible hospital adopts, implements or upgrades in the first year of payment, and demonstrates meaningful use in the second year of payment, then the EHR reporting period in the second year is a continuous 90-day period within the Federal fiscal year; subsequent to that, the EHR reporting period is then the entire Federal fiscal year.

**Date Updated:** 2/17/2011  
**ID #**10087

**149) What is the reporting period for eligible professionals (EPs) participating in the electronic health record (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 for EPs is the entire calendar year. Under the Medicaid program, there is also an incentive for the adoption, implementation, or upgrade of certified EHR technology, which does not have a reporting period.

**Date Updated:** 7/30/2010  
**ID #**9961

**150) What is the reporting period for eligible hospitals participating in the Medicare and Medicaid Electronic Health Record (EHR) Incentive Program?**

For an eligible hospital or critical access hospital's first payment year, the EHR reporting period is a continuous 90-day period within a Federal fiscal year. In subsequent years, the EHR reporting period for eligible hospitals and critical access hospitals (CAHs) is the entire Federal fiscal year.

**Date Updated:** 7/30/2010  
**ID #**9962

**151) Does a provider have to record all clinical data in their certified EHR technology in order to accurately report complete clinical quality measure data for the Medicare and Medicaid EHR Incentive Programs?**

We recognize that providers are continuing to implement new workflow processes to accurately capture clinical data in their certified EHR technology, but many providers are not able to capture all data at this time. Although we encourage providers to capture complete clinical data in order to provide the best care possible for their patients, for the purpose of reporting clinical quality measure data,

CMS does not require providers to record all clinical data in their certified EHR technology at this time. CMS recognizes that this may yield numerator, denominator, and exclusion values for clinical quality measures in the certified EHR technology that are not identical to the values generated from other methods (such as record extraction). However, at this time CMS requires providers to report the clinical quality measure data exactly as it is generated as output from the certified EHR technology in order to successfully demonstrate meaningful use. We will continue to collaborate with our partners in the Office of the National Coordinator for Health Information Technology and with industry stakeholders to make further headways in system interoperability, standards for EHR data, as well as certification of vendor products.

**Date Updated:** 10/20/2011  
**ID #**10839

**152) Do specialty providers have to meet all of the meaningful use objectives for the Medicare and Medicaid EHR Incentive Programs, or can they ignore the objectives that are not relevant to their scope of practice?**

For eligible professionals (EPs) who participate in the Medicare and Medicaid EHR Incentive Programs, there are a total of 25 meaningful use objectives. To qualify for an incentive payment, 20 of these 25 objectives must be met. There are 15 required core objectives. The remaining 5 objectives may be chosen from the list of 10 menu set objectives. Certain objectives do provide exclusions. If an EP meets the criteria for that exclusion, then the EP can claim that exclusion during attestation. However, if an exclusion is not provided, or if the EP does not meet the criteria for an existing exclusion, then the EP must meet the measure of the objective in order to successfully demonstrate meaningful use and receive an EHR incentive payment. Failure to meet the measure of an objective or to qualify for an exclusion for the objective will prevent an EP from successfully demonstrating meaningful use and receiving an incentive payment.

**Date Updated:** 2/18/2011  
**ID #**10469

**153) Under the Medicaid EHR Incentive Program, will the requirement that eligible professionals and eligible hospitals choose at least one public health objective among the meaningful use measures still apply to those States that ask CMS for approval to change the definition of meaningful use? That is, if a State wants to require Immunization reporting, is the provider still required to choose another public health objective or does the new meaningful use definition in that State supersede the general definition?**

If the State required any of the public health measures as core measures for the Medicaid EHR Incentive Program, then that would fulfill the eligible professional's (EP) requirement to select at least one public health measure. If the EP meets the exclusion criteria for any of the public health measures that a State has moved to the core set, with CMS approval, they would still have to select at least one public health measure from the menu set.

**Date Updated:** 3/28/2011

ID #10532

**154) For the Medicare and Medicaid Electronic Health Record (EHR) Incentive Programs, is an eligible professional or eligible hospital limited to demonstrating meaningful use in the exact way that EHR technology was tested and certified? For example, if a Complete EHR has been tested and certified using a specific workflow, is an eligible professional or eligible hospital required to use that specific workflow when it demonstrates meaningful use? Similarly, if the EHR technology was tested and certified with certain clinical decision support rules, are those the only clinical decision support rules an eligible health care provider is permitted to use when demonstrating meaningful use?**

In most cases, an eligible professional or eligible hospital is not limited to demonstrating meaningful use to the exact way in which the Complete EHR or EHR Module was tested and certified. As long as an eligible professional or eligible hospital uses the certified Complete EHR or certified EHR Module's capabilities and, where applicable, the associated standard(s) and implementation specifications that correlate with the respective meaningful use objective and measure, they can successfully demonstrate meaningful use even if their exact method differs from the way in which the Complete EHR or EHR Module was tested and certified.

It is important to remember the purpose of certification. Certification is intended to provide assurance that a Complete EHR or EHR Module will properly perform a capability or capabilities according to the adopted certification criterion or criteria to which it was tested and certified (and according to the applicable adopted standard(s) and implementation specifications, if any). The Temporary Certification Program and Permanent Certification Program Final Rules (75 FR 36188 and 76 FR 1301, respectively), published by the Office of the National Coordinator for Health IT (ONC), acknowledged that eligible professionals and eligible hospitals could, where appropriate, modify their certified Complete EHR or certified EHR Module to meet local health care delivery needs and to take full advantage of the capabilities that the certified Complete EHR or certified EHR Module includes.

These rules also cautioned that modifications made to a Complete EHR or EHR Module post-certification have the potential to adversely affect the technology's capabilities such that it no longer performs as it did when it was tested and certified, which could ultimately compromise an eligible professional or eligible hospital's ability to successfully demonstrate meaningful use.

In instances where a certification criterion expresses a capability which could potentially be added to or enhanced by an eligible professional or eligible hospital, the way in which EHR technology was tested and certified generally would not limit a provider's ability to modify the EHR technology in an effort to maximize the utility of that capability. Examples of this could include adding clinical decision support rules, adjusting or adding drug-drug notifications, or generating patient lists or patient reminders based on additional data elements beyond those that were initially

required for certification. Modifications that adversely affect the EHR technology's capability to perform in accordance with the relevant certification criterion could, however, ultimately compromise an eligible professional or eligible hospital's ability to successfully demonstrate meaningful use.

In instances where the EHR technology was tested and certified using a sample workflow and/or generic forms/templates, an eligible professional or eligible hospital generally is not limited to using that sample workflow and/or those generic forms/templates. In this context, the "workflow" would constitute the specific steps, methods, processes, or tasks an eligible professional or eligible hospital would follow when using one or more capabilities of the certified Complete EHR or certified EHR Module to meet meaningful use objectives and associated measures. An eligible health care provider could use a different workflow and/or substitute different forms/templates for those that are included in the certified Complete EHR or certified EHR Module. Again, care should be taken to ensure that such actions do not adversely affect the Complete EHR's or EHR Module's performance of the capabilities for which it was tested and certified, which could ultimately compromise an eligible professional or eligible hospital's ability to successfully demonstrate meaningful use.

**Date Updated:** 3/7/2011  
**ID #10473**

**155) To meet the public health meaningful use objectives (submitting information to an immunization registry, reporting lab results to a public health agency, or reporting syndromic surveillance information) for the Medicare and Medicaid Electronic Health Record (EHR) Incentive Programs, does a provider have to send information directly from their certified EHR technology to the appropriate receiving entity or can they use an intermediary such as a health information exchange (HIE) or another third-party software vendor?**

CMS recognizes that there are a variety of methods in which the exchange of public health information could take place. In order to promote the submission of public health information to appropriate entities, we do not seek to limit or define the receiving capacities of said entities. In order to satisfy the public health meaningful use objectives, a provider must conduct one test of information exchange according to the following criteria:

- The information required for the public health meaningful use objective must originate from the provider's certified EHR technology; and
- The information sent from the provider's certified EHR technology must be formatted according to the standards and implementation specifications associated with the public health meaningful use objective.

If an intermediary performs a capability specified in an adopted certification criterion and a provider intends to use the capability the intermediary provides to satisfy a correlated meaningful use requirement (submission to public health according to adopted standards), the capability provided by the intermediary would need to be certified as an EHR Module (see ONC FAQ 18 for more information).

Date Updated: 7/28/2011  
ID #10764

**156) What are the EHR reporting periods for eligible hospitals participating in both the Medicare and Medicaid EHR Incentive Programs, as well as the requirements for receiving an EHR incentive payment?**

There are two factors that determine the EHR reporting period for hospitals eligible for both the Medicare and Medicaid EHR Incentive Programs:

--Whether the hospital is attesting to Medicaid only; Medicaid first, then Medicare in the same fiscal year; Medicaid first, then Medicare in a later fiscal year; or Medicare and Medicaid simultaneously/Medicare first, then Medicaid in a later fiscal year.

--The payment year for which the hospital is attesting (first, second, third etc.)

See the table below (where having adopted, implemented, or upgraded to certified EHR technology for Medicaid is abbreviated as AIU and meaningful use is abbreviated as MU):

Hospital Participating In:			
Payment Year	Medicaid Incentive Program Only	Medicaid 1 <sup>st</sup> , then Medicare in same FY	Medicare and Medicaid Simultaneously / Medicare 1 <sup>st</sup> , then Medicaid in a later FY
1 <sup>st</sup> payment year	AIU	AIU (Medicaid);	MU, 90 day reporting period
		MU, 90 day reporting period (Medicare)	
2 <sup>nd</sup> payment year	MU, 90 day reporting period	MU, 12 month reporting period	MU, 12 month reporting period
3 <sup>rd</sup> payment year	MU, 12 month reporting period	MU, 12 month reporting period	MU, 12 month reporting period

Relevant points to remember regarding eligible hospitals:

--Hospitals that are eligible for EHR incentive payments under both Medicare and Medicaid should select "Both Medicare and Medicaid" during the registration process, even if they initially plan to apply for an incentive under only one program.

--A hospital that is a meaningful EHR user under the Medicare EHR Incentive Program is deemed to be a meaningful user for Medicaid. CMS will audit hospitals eligible for both the Medicare and Medicaid EHR Incentive Programs for compliance with the meaningful use requirements under the Medicare program. The states are responsible for auditing AIU and other requirements for receiving an EHR incentive payment, such as patient volume.

- There will never be two consecutive years of 90-day reporting periods for meaningful use. The 90-day reporting period is always followed by a 12-month reporting period the following year, irrespective of when attestation occurred and whether to Medicare or Medicaid.
- The reporting period must begin and end in the Federal Fiscal Year that constitutes the payment year.
- There is no reporting period for adopt/implement/upgrade.
- A hospital participating in the Medicaid EHR incentive program must meet all Medicaid requirements, including patient volume requirements.
- See p. 44323 of the Stage 1 Final Rule for Stages of meaningful use by payment year.

**Date Updated:** 1/19/2012

ID #10826

**157) If a provider purchases a certified Complete Electronic Health Record (EHR) or has a combination of certified EHR Modules that collectively satisfy the definition of certified EHR technology, but opts to use a different, uncertified EHR technology to meet certain meaningful use core or menu set objectives and measures, will that provider be able to successfully demonstrate meaningful use under the Medicare and Medicaid EHR Incentive Programs?**

No, the provider would not be able to successfully demonstrate meaningful use. To successfully demonstrate meaningful use, a provider must do three things:

1. Have certified EHR technology capable of demonstrating meaningful use, either through a complete certified EHR or a combination of certified EHR modules;
2. Meet the measures or exclusions for 20 Meaningful Use objectives (19 objectives for eligible hospitals and Critical Access Hospitals (CAHs)); and
3. Meet those measures using the capabilities and standards that were certified to accomplish each objective.

A provider using uncertified EHR technology to meet one or more of the core or menu set measures would not be using the capabilities and standards that were certified to accomplish each objective. Please note that this does not apply to the use of uncertified EHR technology and/or paper-based records for purposes of reporting on certain meaningful use measures (i.e., measures other than clinical quality measures), which is addressed in FAQ #10589.

**Date Updated:** 4/22/2011

ID #10590

**158) Under the Medicaid EHR Incentive Program, will the requirement that eligible professionals and eligible hospitals choose at least one public health objective among the meaningful use measures still apply to those States that ask CMS for approval to change the definition of meaningful use? That is, if a State wants to require Immunization reporting, is the provider still required to choose another public health objective or does the new meaningful use definition in that State supersede the general definition?**

If the State required any of the public health measures as core measures for the Medicaid EHR Incentive Program, then that would fulfill the eligible professional's (EP) requirement to select at least one public health measure. If the EP meets the exclusion criteria for any of the public health measures that a State has moved to the core set, with CMS approval, they would still have to select at least one public health measure from the menu set.

**Date Updated:** 3/28/2011

**ID #10475**

**159) If an eligible professional (EP) sees a patient in a setting that does not have certified electronic health record (EHR) technology but enters all of the patient's information into certified EHR technology at another practice location, can the patient be counted in the numerators and denominators of meaningful use measures for the Medicare and Medicaid EHR Incentive Programs?**

Yes, an EP may include patients seen in locations without certified EHR technology in the numerators and denominators of meaningful use measures if the patients' information is entered into certified EHR technology at another practice location. However, EPs should be aware that it is unlikely that they will be able to include such patients in the numerator for the measure of the "use computerized provider order entry (CPOE)" objective or for the e-prescribing measure. As we explain in FAQ #10134, CPOE must be entered by someone who can exercise clinical judgment in the case that the entry generates any alerts about possible interactions or other clinical decision support aides. This necessitates that CPOE occurs when the order first becomes part of the patient's medical record and before any action can be taken on the order. Because information for patients seen in locations without certified EHR technology will be transcribed at a later date into the certified EHR system, it is unlikely that CPOE could occur before any action is taken on the order. For the e-prescribing measure, it is unlikely that EPs will be able to electronically transmit prescriptions for patients in locations without certified EHR technology.

**Date Updated:** 3/7/2011

**ID #10475**

### **Questions about Meaningful Use Measures & Objectives**

**160) Is a hospital participating in the Medicare and Medicaid EHR Incentive Programs required to report quality metrics on ALL patients? How will the measurement be defined with regards to numerator and denominator?**

The technical specifications issued by CMS for the clinical quality measures under the Medicare and Medicaid EHR Incentive Programs specify what data should be included in the numerator and the denominator. Clinical quality measure reporting is inclusive of all applicable patients or actions during the Electronic Health Record reporting period, with no differentiation by payer.

**Date Updated:** 3/28/2011

**ID #10538**

- 161) For the meaningful use objective of "capability to exchange key clinical information" for the Medicare and Medicaid Electronic Health Record (EHR) Incentive Programs, does exchange of electronic information using physical media, such as USB, CD-ROM, or other formats, meet the measure of this objective?**
- No, the use of physical media such as a CD-ROM, a USB or hard drive, or other formats to exchange key clinical information would not utilize the certification capability of certified EHR technology to electronically transmit the information, and therefore would not meet the measure of this objective.**

For the purposes of the "capability to exchange key clinical information" measure, exchange is defined as electronic transmission and acceptance of key clinical information using the capabilities and standards of certified EHR technology (as specified at 45 CFR 170.304(i) for EPs and 45 CFR 170.306(f) for eligible hospitals and CAHs). We expect that this information would be exchanged in structured electronic format when available (e.g., drug or clinical lab data); however, where the information is available only in unstructured electronic formats (e.g., free text or scanned images), the exchange of unstructured information would satisfy this measure. For more information about electronic exchange of key clinical information, please refer to the following FAQ:

[http://questions.cms.hhs.gov/app/answers/detail/a\\_id/10270/kw/10270](http://questions.cms.hhs.gov/app/answers/detail/a_id/10270/kw/10270).

Please note that this objective is distinct from objectives such as "provide a summary of care record for each transition of care," where electronic exchange of the summary of care record is not a requirement but an option. To satisfy the measure of the "provide a summary of care record for each transition of care" objective, a provider is permitted to send an electronic or paper copy of the summary care record directly to the next provider or can provide it to the patient to deliver. In this case, the use of physical media such as a CD-ROM, a USB or hard drive, or other formats could satisfy the measure of this objective.

**Date Updated: 5/17/2011**

**ID #10638**

- 162) For the Medicare and Medicaid Electronic Health Record (EHR) Incentive Programs, if the certified EHR technology possessed by an eligible professional (EP) generates zero denominators for all clinical quality measures (CQMs) in the additional set that it can calculate, is the EP responsible for determining whether they have zero denominators or data for any remaining CQMs in the additional set that their certified EHR technology is not capable of calculating?**

No, the EP is not responsible for determining the status of CQMs that their certified EHR technology is not capable of calculating. The certification criterion for ambulatory CQMs sets a minimum threshold in order for the certification criterion to be met. An EHR technology must be certified to the 6 core CQMs (3 core and 3 alternate core CQMs in Table 7 of the final rule) and at least 3 CQMs from the additional set (Table 6 of the final rule). In the final rule, we stated that it was our expectation that EPs would seek out certified EHR technologies that include and

were certified for CQMs relevant to their scope of practice. In later stages of meaningful use and the corresponding certification requirements, we will seek to address situations where an EP does not obtain certified EHR technology that would enable the EP to report on CQMs that are relevant to their practice.

To view the final rule for the Medicare and Medicaid EHR incentive programs, please visit: <http://edocket.access.gpo.gov/2010/pdf/2010-17207.pdf>.

**Date Updated:** 5/23/2011

**ID #10648**

**163) For the Medicare and Medicaid Electronic Health Record (EHR) Incentive Programs, how should an eligible professional (EP), eligible hospital, or critical access hospital (CAH) that sees patients in multiple practice locations equipped with certified EHR technology calculate numerators and denominators for the meaningful use objectives and measures?**

EPs, eligible hospitals, and CAHs should look at the measure of each meaningful use objective to determine the appropriate calculation method for numerators and denominators. The calculation of the numerator and denominator for each measure is explained in the July 28, 2010 final rule (75 FR 44314).

For objectives that require a simple count of actions (e.g., number of permissible prescriptions written, for the objective of "Generate and transmit permissible prescriptions electronically (eRx)"; number of patient requests for an electronic copy of their health information, for the objective of "Provide patients with an electronic copy of their health information"; etc.), EPs, eligible hospitals, and CAHs can usually add the numerators and denominators calculated by each certified EHR system in order to arrive at an accurate total for the numerator and denominator of the measure.

For objectives that require an action to be taken on behalf of a percentage of "unique patients" (e.g., the objectives of "Record demographics", "Record vital signs", etc.), EPs, eligible hospitals, and CAHs may not be able to simply add the numerators and denominators calculated by each certified EHR system. The EP, eligible hospital, or CAH must include only unique patients in the numerators and denominators of each objective, and it is the responsibility of the EP, eligible hospital, or CAH to reconcile information from multiple certified EHR systems in order to ensure that each unique patient is counted only once for each objective. Please keep in mind that patients whose records are not maintained in certified EHR technology will need to be added to denominators where applicable in order to provide accurate numbers.

For more information about which objectives require a simple count of actions and which require an action taken on behalf of a percentage of unique patients, please consult our Meaningful Use Specification Sheets for EPs (<http://www.cms.gov/EHRIncentivePrograms/Downloads/EP-MU-TOC.pdf>) and eligible hospitals and CAHs ([http://www.cms.gov/EHRIncentivePrograms/Downloads/Hosp\\_CAH\\_MU-TOC.pdf](http://www.cms.gov/EHRIncentivePrograms/Downloads/Hosp_CAH_MU-TOC.pdf)).

To report clinical quality measures, EPs who practice in multiple locations that are equipped with certified EHR technology should generate a report from each of those certified EHR systems and then add the numerators, denominators, and exclusions from each generated report in order to arrive at a number that reflects the total data output for patient encounters at those locations. To report clinical quality measures, eligible hospitals and CAHs that have multiple systems should generate a report from each of those certified EHR systems and then add the numerators, denominators, and exclusions from each generated report in order to arrive at a number that reflects the total data output for patient encounters in the relevant departments of the eligible hospital or CAH (e.g., inpatient or emergency department (POS 21 or 23)).

Date Updated: 10/20/2011  
ID #10843

**164) For the Medicare and Medicaid Electronic Health Record (EHR) Incentive Programs, how should an eligible hospital or critical access hospital (CAH) with multiple certified EHR systems report their clinical quality measures?**

To report clinical quality measures, eligible hospitals and CAHs that have multiple systems should generate a report from each of those certified EHR systems and then add the numerators, denominators, and exclusions from each generated report in order to arrive at a number that reflects the total data output for patient encounters in the relevant departments of the eligible hospital or CAH (e.g., inpatient or emergency department (POS 21 or 23)).

Date Updated: 10/20/2011  
ID #10844

**165) What are the requirements for dentists participating in the Medicaid EHR Incentive Program?**

Dentists must meet the same eligibility requirements as other eligible professionals (EP) in order to qualify for payments under the Medicaid EHR Incentive Program. This also means that they must demonstrate all 15 of the core meaningful use objectives and five from the menu of their choosing. The core set includes reporting of six clinical quality measures (three core and three from the menu of their choosing.) Several meaningful use objectives have exclusion criteria that are unique to each objective. EPs will have to evaluate whether they individually meet the exclusion criteria for each applicable objective as there is no blanket exclusion by type of EP.

Date Updated: 3/28/2011  
ID #10527

**166) What information must an eligible professional provide in order to meet the measure of the meaningful use objective for “provide a clinical summary for patients for each office visit” under the Medicare and Medicaid Electronic Health Record (EHR) Incentive Programs?**

In our final rule, we defined "clinical summary" as: an after-visit summary that provides a patient with relevant and actionable information and instructions containing, but not limited to, the patient name, provider's office contact information, date and location of visit, an updated medication list, updated vitals, reason(s) for visit, procedures and other instructions based on clinical discussions that took place during the office visit, any updates to a problem list, immunizations or medications administered during visit, summary of topics covered/considered during visit, time and location of next appointment/testing if scheduled, or a recommended appointment time if not scheduled, list of other appointments and tests that the patient needs to schedule with contact information, recommended patient decision aids, laboratory and other diagnostic test orders, test/laboratory results (if received before 24 hours after visit), and symptoms.

The EP must include all of the above that can be populated into the clinical summary by certified EHR technology. If the EP's certified EHR technology cannot populate all of the above fields, then at a minimum the EP must provide in a clinical summary the data elements for which all EHR technology is certified for the purposes of this program (according to §170.304(h)):

- Problem List
- Diagnostic Test Results
- Medication List
- Medication Allergy List

This answer applies to clinical summaries generated by certified EHR technology for electronic or paper dissemination. Also, if one form of dissemination (paper or electronic) has a more limited set of fields than the other, this does not serve as a limit on the other form. For example, certified EHR technology may be capable of populating a clinical summary with a greater number of data elements when the clinical summary is provided to the patient electronically than when the clinical summary is printed on paper. When the clinical summary in this example is provided electronically, it should include all of the above elements that can be populated by the certified EHR technology. The clinical summary would not be limited by the data elements that are capable of being displayed on a paper printout.

**Date Updated: 4/5/2011**

**ID #10558**

**167) For meaningful use objectives of the Medicare and Medicaid Electronic Health Record (EHR) Incentive Programs that require a provider to test the transfer of data, such as "capability to exchange key clinical information" and testing submission of data to public health agencies, can the eligible professional (EP), eligible hospital or critical access hospital (CAH) conduct the test from a test environment or test domain of its certified EHR technology in order to satisfy the measures of these objectives?**

Yes, it is acceptable to conduct a test of information exchange from a test environment or test domain of certified EHR technology in order to satisfy the measures of the objective for "capability to exchange key clinical information" or

any of the public health objectives (e.g., immunization registry, syndromic surveillance, or reportable lab results). A provider can also use simulated data when conducting these tests—the use of test information about a fictional patient that would be identical in form to what would be sent about an actual patient would satisfy these objectives.

However, it is important to note that in order to meet the objective for “capability to exchange key clinical information,” the provider must conduct the test with another provider of care with distinct certified EHR technology or other system capable of receiving the information. Simulated transfers of information or transfers of information through means that do not reach another provider of care (e.g., “dummy” websites that exist solely for providers to send information) are not acceptable to satisfy this objective.

Similarly, to meet any of the public health objectives, the provider’s test must involve the actual submission of information to public health agencies, and follow up submission is required if the test is successful. Please note that some public health agencies will not allow providers to submit test information about fictional patients. Providers submitting information to public health agencies that do not allow test information must submit actual patient information as a test in order to satisfy the measures of these objectives.

**Date Updated:** 2/13/2012

**ID #10978**

**168) For the Medicare and Medicaid Electronic Health Record (EHR) Incentive Programs, if certified EHR technology possessed by an eligible professional (EP) includes the ability to calculate clinical quality measures (CQMs) from the additional set that are not indicated by the EHR developer or on the Certified Health Information Technology Product List (CHPL) as tested and certified by an ONC - Authorized Testing and Certification Body (ONC-ATCB), can the EP submit the results of those CQMs to CMS as part of their meaningful use attestation?**

Yes, the EP can submit results for CQMs in the additional set (Table 6 of the final rule) calculated by certified EHR technology, even if those CQMs were not individually tested and certified by an ONC-ATCB. We expect to revisit CQM requirements in more detail for later stages of meaningful use as well as the corresponding certification requirements.

To view the final rule for the Medicare and Medicaid EHR incentive programs, please visit: <http://edocket.access.gpo.gov/2010/pdf/2010-17207.pdf>.

**Date Updated:** 5/23/2011

**ID #10649**

**169) What information must an eligible professional provide in order to meet the measure of the meaningful use objective for "provide patients with an electronic copy of their health information" under the Medicare and Medicaid Electronic Health Record (EHR) Incentive Programs?**

Last Updated: February 2012

In our final rule, we limited the information that must be provided electronically to that information that exists electronically in or accessible from the certified EHR technology and is maintained by or on behalf of the EP, eligible hospital or CAH. We encourage all providers to meet patient's request for information with all of the information that the patient requests and meets the description above. However, if the provider's certified EHR technology cannot provide all of patient requested information within the 3 business day timeline, a minimum level of information is defined in the certification process. All EHR technology is certified for the purposes of this program (according to §170.304(f)) to provide:

- Problem List
- Diagnostic Test Results
- Medication List
- Medication Allergy List

An EP, eligible hospital or CAH that provides these four elements within 3 business days of the patient request in the specified standards meets the measure associated with this objective. Again, we encourage all providers to continue to work with patients to provide information patients may request above and beyond these four elements.

**Date Updated: 6/3/2011**

**ID #10663**

**170) For the Medicare and Medicaid EHR Incentive Programs, how does an eligible professional (EP) determine whether a patient has been "seen by the EP" in cases where the service rendered does not result in an actual interaction between the patient and the EP, but minimal consultative services such as just reading an EKG? Is a patient seen via telemedicine included in the denominator for measures that include patients "seen by the EP"?**

All cases where the EP and the patient have an actual physical encounter with the patient in which they render any service to the patient should be included in the denominator as seen by the EP. Also a patient seen through telemedicine would still count as a patient "seen by the EP." However, in cases where the EP and the patient do not have an actual physical or telemedicine encounter, but the EP renders a minimal consultative service for the patient (like reading an EKG), the EP may choose whether to include the patient in the denominator as "seen by the EP" provided the choice is consistent for the entire EHR reporting period and for all relevant meaningful use measures. For example, a cardiologist may choose to exclude patients for whom they provide a one-time reading of an EKG sent to them from another provider, but include more involved consultative services as long as the policy is consistent for the entire EHR reporting period and for all meaningful use measures that include patients "seen by the EP." EPs who never have a physical or telemedicine interaction with patients must adopt a policy that classifies as least some of the services they render for patients as "seen by the EP" and this policy must be consistent for the entire EHR reporting period and across meaningful use measures that involve patients "seen by the EP" -- otherwise, these EPs would not be

able to satisfy meaningful use, as they would have denominators of zero for some measures.

**Date Updated:** 6/6/2011

**ID #10664**

**171) For the “Incorporate clinical lab-test results” menu objective of the Medicare and Medicaid Electronic Health Record (EHR) Incentive Programs, how should a provider attest if the numerator displayed by their certified EHR technology is larger than the denominator?**

For the “Incorporate clinical lab-test results” menu objective, a provider’s certified EHR technology might return a numerator larger than the denominator if the EHR does not match lab orders to results on a one-for-one basis or if the EHR records a panel that returns multiple lab results as a single order within the system. However, the CMS EHR Incentive Programs Attestation System will not allow an eligible professional, eligible hospital, or critical access hospital (CAH) to input a numerator that is greater than the denominator. In the case where your certified EHR technology reports a numerator larger than the denominator, you should input a numerator equal to your denominator in the Attestation System. However, notwithstanding the numerator and denominator values that are entered into the Attestation System, a provider must actually surpass the 40% threshold to meet the measure of this objective. You should maintain documentation regarding the numerator and denominator values generated by your certified EHR technology and, in the event of an audit, be prepared to demonstrate that you satisfied the percentage threshold for this measure.

**Date Updated:** 2/13/2012

**ID #10981**

**172) For the meaningful use objective of "provide summary care record for each transition of care or referral" for the Medicare and Medicaid Electronic Health Record (EHR) Incentive Programs, should transitions of care between eligible professionals (EPs) within the same practice who share certified EHR technology be included in the numerator or denominator of the measure?**

No, patients who transition between EPs within the same practice and who share the same certified EHR technology should not be included in the numerator or denominator of the measure of this objective. Since these transitions occur within the same practice between EPs who share certified EHR technology, they do not meet the definition of transition of care as the movement of a patient from one setting of care (for example, hospital, ambulatory primary care practice, ambulatory specialty care practice, long-term care, home health, rehabilitation facility) to another. Also, because EPs sharing the same certified EHR technology already have complete access to the patient’s electronic record, providing a summary of care document would serve no purpose. Therefore these patients should be excluded from the calculation of this measure.

**Date Updated:** 2/13/2012

**ID #10980**

**173) For meaningful use objectives of the Medicare and Medicaid Electronic Health Record (EHR) Incentive Programs that require a provider to test the transfer of data, such as "capability to exchange key clinical information" and testing submission of data to public health agencies, if multiple eligible professionals (EPs) are using the same certified EHR technology across several physical locations, can a single test serve to meet the measures of these objectives?**

No, if multiple EPs are using the same certified EHR technology in different physical locations/settings (e.g., different practice locations), there must be a single test performed for each physical location/setting. This is true even if the certified EHR technology that is used in the different physical locations is connected to the same server. The purpose of this testing is to demonstrate that the information can be transferred from where it was created (the physical location/setting of the EP or group of EPs) to another provider of care, patient-authorized entity or public health agency. While we understand that several different physical locations/settings may send this information through a central server or on mostly the same path, there may be some degree of variation in the path of transmission or the infrastructure involved.

Date Updated: 2/13/2012

ID #10979

**174) For the Medicare and Medicaid EHR Incentive Programs, when a patient is only seen by a member of the eligible professional's (EP's) clinical staff during the EHR reporting period and not by the EP themselves, do those patients count in the EP's denominator?**

The EP can include or not include those patients in their denominator at their discretion as long as the decision applies universally to all patients for the entire EHR reporting period and the EP is consistent across meaningful use measures. In cases where a member of the EP's clinical staff is eligible for the Medicaid EHR incentive in their own right (NPs and certain physician assistants (PA)), patients seen by NPs or PAs under the EP's supervision can be counted by both the NP or PA and the supervising EP as long as the policy is consistent for the entire EHR reporting period.

Date Updated: 6/6/2011

ID #10665

**175) What lab tests should be included in the denominator of the measure for the "incorporate clinical lab-test results" objective under the Medicare and Medicaid Electronic Health Record (EHR) Incentive Programs?**

For the "incorporate clinical lab-test results" objective, the denominator consists of the number of lab tests ordered during the EHR reporting period by the eligible professional (or authorized providers of the eligible hospital or critical access hospital (CAH) for patients admitted to an eligible hospital's or CAH's inpatient or emergency department (POS 21 and 23)) whose results are expressed in a positive or negative affirmation or as a number. Providers may limit the denominator to only those lab

tests that were ordered during the EHR reporting period and for which results were received during the same EHR reporting period.

**Date Updated: 5/17/2011**

**ID #10642**

**176) How should patients in swing beds be counted in the denominators of meaningful use measures for eligible hospitals and critical access hospitals (CAHs) for the Medicare and Medicaid Electronic Health Record (EHR) Incentive Programs?**

A number of the meaningful use measures for eligible hospitals and CAHs require the denominator to be based on the number of unique patients admitted to the inpatient or emergency department during the EHR reporting period. Unique swing bed patients who receive inpatient care should be included in the denominators of meaningful use measures. However, if the eligible hospital or CAH's certified EHR technology cannot readily identify and include unique swing bed patients who have received inpatient care, those patients may be excluded from the calculations for the denominators of meaningful use measures.

**Date Updated: 5/17/2011**

**ID #10640**

**177) For the Medicare and Medicaid EHR Incentive Programs' clinical quality measures (CQMs) ED-1, ED-2, and Stroke-4, how should eligible hospitals and critical access hospitals (CAHs) define an Emergency Department patient since the UB-04 data set referred to in the HITSP specifications no longer provides this information?**

The measure steward recommends that hospitals use the data element 'ED Patient', defined as any patient receiving care or services in the Emergency Department. This data element specification to be used for ED-1, ED-2, and Stroke-4 can be found at <http://www.qualitynet.org/dcs/ContentServer?c=Page&pagename=QnetPublic%2FPage%2FQnetTier4&cid=1228767363466> in Section 1 Data Dictionary/Alphabetical Data Dictionary (page 1-146).

**Date Updated: 12/16/2011**

**ID #10883**

**178) For the Medicare and Medicaid EHR Incentive Programs, who do I contact to suggest adding/deleting a code on a clinical quality measure (CQM) or to suggest other CQM improvements?**

Please contact the measure steward (the entity responsible for maintaining and updating a clinical quality measure) if you have suggestions or comments for improving the measure, comments regarding the measure's scientific or medical soundness/applicability, or would like to add specific vocabulary taxonomies or codes to the measure that may be appropriate for the measure population. The measure steward for each CQM is identified in the electronic specifications and in CMS's July 28, 2010 final rule (see 75 FR 44398-44420, Tables 6, 7, and 10).

**Date Updated: 12/16/2011**

**ID #10884**

**179) If my certified electronic health record (EHR) technology is capable of submitting batch files to an immunization registry using the standards adopted by the Office of the National Coordinator of Health Information Technology (HL7 2.3.1 or 2.5.1, and CVX), is that sufficient to meet the Meaningful Use objective "submit electronic data to immunization registries" for the Medicare and Medicaid EHR Incentive Programs?**

Submitting batch files to an immunization registry, provided that they are formatted according to the standards adopted by the Office of the National Coordinator of Health Information Technology, is sufficient to meet the Meaningful Use objective "submit electronic data to immunization registries."

**Date Updated:** 7/11/2011  
**ID #**10713

**180) If my certified EHR technology only includes the capability to submit information to an immunization registry using the HL7 2.3.1 standard but the immunization registry only accepts information formatted in the HL7 2.5.1 or some other standard, will I qualify for an exclusion because the immunization registry does not have the capacity to receive the information electronically? What if the immunization registry has a waiting list or is unable to test for other reasons but can accept information formatted in HL7 2.3.1, is that still a valid exclusion?**

If the immunization registry does not accept information in the standard to which your EHR technology has been certified—that is, if your EHR is certified to the HL7 2.3.1 standard and the immunization registry only accepts HL7 2.5.1, or vice versa—and if the immunization registry is the only immunization registry to which you can submit such information, then you can claim an exclusion to this Meaningful Use objective because the immunization registry does not have the capacity to receive the information electronically. The capacity of the immunization registry is determined by the ability of the immunization registry to test with an individual EP or eligible hospital.

An immunization registry may have the capacity to accept immunization data from another EP or hospital, but if for any reason (e.g. waiting list, on-boarding process, other requirements, etc) the registry cannot test with a specific EP or hospital, that EP or hospital can exclude the objective. It is the responsibility of the EP or hospital to document the justification for their exclusion (including making clear that the immunization registry in question is the only one it can submit information to). If the immunization registry, due to State law or policy, would not accept immunization data from you (e.g., not a lifespan registry, etc), you can also claim the exclusion for this objective. Please note, this FAQ applies in principle to all of the Stage 1 public health meaningful use measures (syndromic surveillance and reportable lab conditions).

**Date Updated:** 7/11/2011  
**ID #**10714

**181) How should nursery day patients be counted in the denominators of meaningful use measures for eligible hospitals and critical access hospitals (CAHs) for the Medicare and Medicaid Electronic Health Record (EHR) Incentive Programs?**

Nursery days are excluded from the calculation of hospital incentives because they are not considered inpatient-bed-days based on the level of care provided during a normal nursery stay. In addition, nursery day patients should not be included in the denominators of meaningful use measures. However, if the eligible hospital or critical access hospital's (CAH's) certified EHR technology cannot readily identify and exclude nursery day patients, those patients may be included in the calculations for the denominators of meaningful use measures.

**Date Updated: 5/17/2011**

**ID #10641**

**182) For the Medicare and Medicaid Electronic Health Record (EHR) Incentive Programs, how should an eligible professional (EP) who orders medications infrequently calculate the measure for the “computerized provider order entry (CPOE)” objective if the EP sees patients whose medications are maintained in the medication list by the EP but were not ordered or prescribed by the EP?**

The CPOE measure is structured to minimize reporting burden. However, if all of the following conditions are met it can also create a unique situation that could prevent an EP from successfully demonstrating meaningful use. An EP who:

- 1) prescribes more than 100 medications during the EHR reporting period;
- 2) maintains medication lists that include medications that they did not order; and
- 3) orders medications for less than 30 percent of patients with a medication in their medication list during the EHR reporting period.

In these circumstances, an EP may be both unable to meet this measure and unable to qualify for the exclusion. In the unique situation where all three criteria listed above apply, an EPs may limit their denominator to only those patients for whom the EP has previously ordered medication, if they so choose. EPs who do not meet the three criteria listed above must still base their calculation on the number of unique patients with at least one medication in their medication list seen by the EP during the EHR reporting period regardless of who ordered the medication or medications in the patient's medication list.

**Date Updated: 5/17/2011**

**ID #10639**

**183) If an eligible professional (EP) is unable to meet the measure of a Meaningful Use objective because it is outside of the scope of his or her practice, will the EP be excluded from meeting the measure of that objective under the Medicare and Medicaid Electronic Health Record (EHR) Incentive Programs?**

Some Meaningful Use objectives provide exclusions and others do not. Exclusions are available only when our regulations specifically provide for an exclusion. EPs may be excluded from meeting an objective if they meet the circumstances of the exclusion. If an EP is unable to meet a Meaningful Use objective for which no exclusion is available, then that EP would not be able to successfully demonstrate Meaningful Use and would not receive incentive payments under the Medicare and Medicaid EHR Incentive Programs.

Date Updated: 9/29/2010  
ID #10151

**184) For the meaningful use objective "Capability to submit electronic syndromic surveillance data to public health agencies," what is the definition of "syndromic surveillance"?**

Syndromic surveillance uses individual and population health indicators that are available before confirmed diagnoses or laboratory confirmation to identify outbreaks or health events and monitor the health status of a community. For additional information about syndromic surveillance data, please visit:  
<http://www.cdc.gov/EHRmeaningfuluse/Syndromic.html>.

Date Updated: 10/20/2011  
ID #10846

**185) For the Medicare and Medicaid Electronic Health Record (EHR) Incentive Programs, does an eligible hospital have to count patients admitted to both the inpatient and emergency departments in the denominator of meaningful use measures, or can they count only emergency department patients?**

For the hospital meaningful use objectives, the denominator is all unique patients admitted to an inpatient (POS 21) or emergency department (POS 23), which means all patients admitted to an inpatient department (POS 21) and all patients admitted to an emergency department (POS 23). If the eligible hospital elects to use the alternate method for calculating emergency department patients, as detailed in FAQ #10126 ([http://questions.cms.hhs.gov/app/answers/detail/a\\_id/10126/kw/ed](http://questions.cms.hhs.gov/app/answers/detail/a_id/10126/kw/ed)), the denominator is all unique patients admitted to an inpatient department (POS 21) and all patients that initially present to the emergency department and are treated in the emergency department's observation unit or otherwise receive observation services, which includes patients who receive observation services under both POS 22 and POS 23. Patients admitted to the inpatient department must be included in the denominator of all applicable measures.

Date Updated: 2/18/2011  
ID #10468

**186) For the Medicare and Medicaid Electronic Health Record (EHR) Incentive Programs, should patient encounters in an ambulatory surgical center (Place of Service 24) be included in the denominator for calculating that at least 50 percent or more of an eligible professional's (EP's) patient encounters during the reporting period occurred at a practice/location or practices/locations equipped with certified EHR technology?**

Yes. EPs who practice in multiple locations must have 50 percent or more of their patient encounters during the reporting period at a practice/location or practices/locations equipped with certified EHR technology. Every patient encounter in all Places of Service (POS) except a hospital inpatient department (POS 21) or a hospital emergency department (POS 23) should be included in the denominator of

the calculation, which would include patient encounters in an ambulatory surgical center (POS 24).

**Date Updated:** 2/18/2011

**ID #10466**

**187) For the meaningful use objective of "capability to exchange key clinical information" in the Medicare and Medicaid EHR Incentive Programs, what forms of electronic transmission can be used to meet the measure of the objective?**

For the purposes of the "capability to exchange key clinical information" measure, exchange is defined as electronic transmission and acceptance of key clinical information using the capabilities and standards of certified EHR technology (as specified at 45 CFR 170.304(i) for eligible professionals and 45 CFR 170.306(f) for eligible hospitals and critical access hospitals). There are many acceptable transmission methods for conducting a test of the electronic exchange of key clinical information with providers of care and patient authorized entities (see FAQ 10270 ([http://questions.cms.hhs.gov/app/answers/detail/a\\_id/10270/](http://questions.cms.hhs.gov/app/answers/detail/a_id/10270/)))

To meet the measure of this objective a provider must:

- (1) Use certified EHR technology to generate a continuity of care document (CCD)/continuity of care record (CCR), and
- (2) Electronically transmit the CCD/CCR.

To complete step 2, an eligible professional, eligible hospital, or critical access hospital may use any means of electronic transmission according to any transport standard(s) (SMTP, FTP, REST, SOAP, etc.) regardless of whether it was included by an EHR technology developer as part of the certified EHR technology in the eligible professional's, eligible hospital's, or critical access hospital's possession.

Please note that the use of USB, CD-ROM, or other physical media or electronic fax would not meet the measure of this objective and has been addressed in another FAQ (see FAQ 10638

([http://questions.cms.hhs.gov/app/answers/detail/a\\_id/10638/](http://questions.cms.hhs.gov/app/answers/detail/a_id/10638/))). If the test involves the transmission of actual patient information, all current privacy and security regulations must be met.

**Date Updated:** 6/21/2011

**ID #10691**

**188) If a provider feeds data from certified electronic health record (EHR) technology to a data warehouse, can the provider report on Meaningful Use objectives and clinical quality measures from the data warehouse?**

To be a meaningful EHR user a provider must do three things:

1. Have complete certified EHR technology for all meaningful use objectives either through a complete EHR or a combination of modules; and

2. Meet 20 measures (19 for eligible hospitals and CAHs), including all of the core and five (5) menu-set measures associated with the objectives (unless excluded). Core measures include reporting clinical quality measures.
3. Use the capabilities and standards of certified EHR technology in meeting the measure of each objective.

If the conditions above are met and data is transferred from the certified EHR technology to a data warehouse, the provider can use information from the data warehouse to report on Meaningful Use objectives and clinical quality measures. However, in order to report calculated clinical quality measures, the data warehouse may need to be certified.

The Office of the National Coordinator of Health Information Technology has addressed the issue of certification of a data warehouse in the following Frequently Asked Question:

<http://healthit.hhs.gov/portal/server.pt?open=512&mode=2&objID=3163&PageID=20775>.

For more information about certification, you can contact ONC directly at [onc.certification@hhs.gov](mailto:onc.certification@hhs.gov).

Date Updated: 3/7/2011

ID #10153

**189) The meaningful use standards for the Medicare and Medicaid Electronic Health Record (EHR) Incentive Program require interoperability. Who will pay for ensuring connectivity between physician practices and hospitals? Will there be federal guidance, or will this be hashed out at a local/community level?**

The Office of the National Coordinator for Health Information Technology (ONC) has awarded funds to 56 states, eligible territories, and qualified State Designated Entities (SDEs) under the Health Information Exchange Cooperative Agreement Program to help fund efforts to rapidly build capacity for exchanging health information across the health care system both within and between states. These exchanges will play a critical role in facilitating the exchange capacity of doctors and hospitals to help them meet interoperability requirements which will be part of meaningful use. More information on ONC's Health Information Exchange grantees is available at: <http://healthit.hhs.gov/>.

Date Updated: 2/17/2011

ID #10085

**190) In recording height as part of the core Meaningful Use objective "Recording vital signs" for eligible professionals (EPs), eligible hospitals, and Critical Access Hospitals (CAHs), how should providers account for patients who are too sick or otherwise cannot be measured safely?**

In cases where taking an actual height measurement is inappropriate, self-reported or estimated height can be used.

Last Updated: February 2012

Date Updated: 9/29/2010  
ID #10156

**191) How should eligible professionals (EPs) select menu objectives for the Medicare and Medicaid Electronic Health Records (EHR) Incentive Programs?**

EPs are required to report on a total of 5 meaningful use objectives from the menu set. When selecting five objectives from the menu set, EPs must choose at least one option from the public health menu set. If an EP is able to meet the measure of one of the public health menu objectives but can be excluded from the other, the EP should select and report on the public health menu objective they are able to meet. If an EP can be excluded from both public health menu objectives, the EP should claim an exclusion from only one public health objective and report on four additional menu objectives from outside the public health menu set.

We encourage EPs to select menu objectives that are relevant to their scope of practice, and claim an exclusion for a menu objective only in cases where there are no remaining menu objectives for which they qualify or if there are no remaining menu objectives that are relevant to their scope of practice. For example, we hope that EPs will report on 5 measures, if there are 5 measures that are relevant to their scope of practice and for which they can report data, even if they qualify for exclusions in the other objectives. Please note that EPs must have complete certified EHR technology (or a complete set of certified EHR modules) capable of supporting all of the core and menu set objectives, including any objectives for which the EP can claim an exclusion and menu set objectives the EP does not select.

Date Updated: 2/24/2011  
ID #10162

**192) In order to meet the participation threshold of 50 percent of patient encounters in practice locations equipped with certified electronic health record (EHR) technology for the Medicare and Medicaid EHR Incentive Programs, how should patient encounters be calculated?**

To be a meaningful EHR user, an EP must have 50 percent or more of their patient encounters during the EHR reporting period at a practice/location or practices/locations equipped with certified EHR technology. For the purpose of calculating this 50 percent threshold, any encounter where a medical treatment is provided and/or evaluation and management services are provided should be considered a "patient encounter."

Please note that this is different from the requirements for establishing patient volume for the Medicaid EHR Incentive Program. You may wish to review those FAQs and other requirements related to Medicaid patient volume, since there is variation in what is considered to be a patient encounter.

Date Updated: 4/22/2011  
ID #10592

**193) For the meaningful use objective to “record and chart changes in vital signs” for the Medicare and Medicaid Electronic Health Record (EHR) Incentive Programs, can an eligible professional (EP) claim an exclusion if the EP regularly records only one or two of the required vital signs but not all three?**

An exclusion for this objective is provided only for EPs who either see no patients 2 years or older, or who believe that all three vital signs of height, weight, and blood pressure of their patients have no relevance to their scope of practice. If an EP believes that one or two of these vital signs are relevant to their scope of practice, then they must record all three vital signs in order to meet the measure of this objective and successfully demonstrate meaningful use.

Date Updated: 4/22/2011

ID #10593

**194) If an eligible hospital or critical access hospital (CAH) has a rehabilitation unit or a psychiatric unit that is part of the inpatient department and that bills under Place of Service (POS) code 21, but that is excluded from the inpatient prospective payment system (IPPS), should patients from these units be included in the denominator for the measures of meaningful use objectives for the Medicare and Medicaid Electronic Health Record (EHR) Incentive Programs?**

No. CMS specified in the final rule that the statutory definition of “hospital” used in the EHR Incentive Program does not apply to hospitals and hospital units excluded from IPPS, such as rehabilitation or psychiatric units (75 FR 44448). Therefore, patients treated in these units should not be included in the denominators of measures. If patients are treated in either an inpatient rehabilitation or inpatient psychiatric unit but are also admitted to areas of the inpatient department that are part of the “subsection (d) hospital,” then those patients and the actions taken for those patients outside of the inpatient rehabilitation or inpatient psychiatric units should be counted in the numerators and denominators for the meaningful use measures.

Date Updated: 4/24/2011

ID #10591

**195) For the meaningful use objective of "record demographics" for the Medicare and Medicaid Electronic Health Record (EHR) Incentive Program, what documentation is required when recording the preliminary cause of death in the event of mortality?**

Eligible hospitals and critical access hospitals (CAHs) must record in the patient's EHR the clinical impression and preliminary assessment of the cause of death. No further documentation is required. This measure does not require the cause of death to be updated if the case is referred to the Department of Health or coroner's office.

Date Updated: 10/18/2010

ID #10165

**196) If a patient visit spans several days and the patient is seen by multiple eligible professionals (EPs) during that time period, does each EP need to provide a separate clinical summary or can the provision of a single clinical summary at the end of the**

**visit meet the meaningful use objective for "provide clinical summaries for patients after each office visit" for the Medicare and Medicaid Electronic Health Record (EHR) Incentive Programs?**

When a patient visit lasts several days and the patient is seen by multiple EPs, a single clinical summary at the end of the visit can be used to meet the meaningful use objective for "provide clinical summaries for patients after each office visit."

**Date Updated: 10/18/2010**  
**ID #10166**

**197) To meet the meaningful use objective "provide patients with an electronic copy of their health information" for the Medicare and Medicaid Electronic Health Record (EHR) Incentive Programs, how should the numerator and denominator be calculated for patients who see multiple eligible professionals (EPs) in the same practice (e.g., in a multi-specialty group practice)?**

If the request for an electronic copy of their health information is made by a patient to a specific EP, then the patient should be counted in the numerator and denominator for that specific EP. If the patient makes a request for an electronic copy of their health information that is not to a specific EP (e.g., by request to the practice's administrative staff), then the patient should be counted in the numerators and denominators for all EPs with whom the patient has had an office visit.

**Date Updated: 12/14/2010**  
**ID #10269**

**198) To meet the meaningful use objective "capability to exchange key clinical information" for the Medicare and Medicaid Electronic Health Record (EHR) Incentive Programs, can different providers of care (e.g., physicians, hospitals, etc.) share EHR technology and successfully meet this objective?**

In order to meet this objective, clinical information must be sent between different legal entities with distinct certified EHR technology and not between organizations that share a certified EHR technology or organizations that are part of the same legal entity, since no actual exchange of clinical information would take place in these latter instances. Distinct certified EHR technologies are those that can achieve certification and operate independently of other certified EHR technologies. It is possible for different legal entities to meet this objective by using separate instances of the same certified EHR technology (e.g. both entities using separate license of the same program), subject to the following limitations:

- A different legal entity is an entity that has its own separate legal existence. Indications that two entities are legally separate would include (1) they are each separately incorporated; (2) they have separate Boards of Directors; and (3) neither entity is owned or controlled by the other.

- In order to be distinct certified EHR technology, each instance of certified EHR technology must be able to be certified and operate independently from all others. Separate instances of certified EHR technology that must link to a common database in order to gain certification would not be considered distinct. However, instances of certified EHR technology that link to a common, uncertified system or component would be considered distinct. Instances of certified EHR technology can be from the same vendor and still be considered distinct.
- The exchange of key clinical information requires that the eligible professional, eligible hospital, or critical access hospital (CAH) must use the standards of certified EHR technology as specified by the Office of the National Coordinator for Health IT, not the capabilities of uncertified or other vendor-specific alternative methods for exchanging clinical information.

**Date Updated:** 12/14/2010

**ID #10270**

**199) For the meaningful use objective of "generate and transmit prescriptions electronically (eRx)" for the Medicare and Medicaid Electronic Health Record (EHR) Incentive Program, how should the numerator and denominator be calculated? Should electronic prescriptions fulfilled by an internal pharmacy be included in the numerator?**

The denominator for this objective consists of the number of prescriptions written for drugs requiring a prescription in order to be dispensed, other than controlled substances, during the EHR reporting period. The numerator consists of the number of prescriptions in the denominator generated and transmitted electronically using certified EHR technology. In order to meet the measure of this objective, 40 percent of all permissible prescriptions written by the EP must be generated and transmitted electronically according to the applicable certification criteria and associated standards adopted for certified EHR technology as specified by the Office of the National Coordinator for Health IT (ONC).

ONC has released an FAQ stating that "with respect to the capability a Complete EHR or EHR Module must demonstrate in order to be certified to the certification criterion adopted at 170.304(b), a Complete EHR or EHR Module must be capable of electronically transmitting prescriptions to external recipients according to NCPDP SCRIPT 8.1 or 10.6 in addition to the adopted vocabulary standard for medications (45 CFR 170.207(d))." Given such FAQ, prescriptions transmitted electronically within an organization (the same legal entity) would not need to use these NCPDP standards. However, an EP's EHR must meet all applicable certification criteria and be certified as having the capability of meeting the external transmission requirements of §170.304(b). In addition, the EHR that is used to transmit prescriptions within the organization would need to be Certified EHR Technology.

The EP would include in the numerator and denominator both types of electronic transmissions (those within and outside the organization) for the measure of this

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objective. We further clarify that for purposes of counting prescriptions "generated and transmitted electronically," we consider the generation and transmission of prescriptions to occur simultaneously if the prescriber and dispenser are the same person and/or are accessing the same record in an integrated EHR to creating an order in a system that is electronically transmitted to an internal pharmacy.

**Date Updated:** 12/17/2010

**ID #10284**

**200) Do controlled substances qualify as "permissible prescriptions" for meeting the electronic prescribing (eRx) meaningful use objective under the Medicare and Medicaid Electronic Health Record (EHR) Incentive Programs?**

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-V. (The substances in Schedule II-V can be found at [http://www.deadiversion.usdoj.gov/schedules/orangebook/e\\_cs\\_sched.pdf](http://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, we were unable to incorporate these recent guidelines into 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-V controlled substances in effect on or before January 13, 2010, when the notice of proposed rulemaking was published in the Federal Register.

**Date Updated:** 2/17/2011

**ID #10067**

**201) For eligible professionals (EPs) who see patients in both inpatient and outpatient settings (e.g., hospital and clinic), and where certified electronic health record (EHR) technology is available at each location, should these EPs base their denominators for meaningful use objectives on the number of unique patients in only the outpatient setting or on the total number of unique patients from both settings?**

In this case, EPs should base both the numerators and denominators for meaningful use objectives on the number of unique patients in the clinic setting, since this setting is where they are eligible to receive payments from the Medicare and Medicaid EHR Incentive Programs.

**Date Updated:** 2/17/2011

**ID #10068**

**202) If a patient is dually eligible for both Medicare and Medicaid, can they be counted twice by hospitals in their calculations if they are applying for electronic health record (EHR) incentive payments through both the Medicare and Medicaid EHR Incentive Programs?**

For purposes of calculating the Medicaid share, a patient cannot be counted in the numerator if they would count for purposes of calculating the Medicare share. Thus, in this respect the inpatient bed day of a dually eligible patient could not be counted in the Medicaid share numerator. (See 1903(t)(5)(C), stating that the numerator of the Medicaid share does not include individuals "described in section 1886(n)(2)(D)(i).") In other respects; however, the patient would count twice. For example, in both cases, the individual would count in the total discharges of the hospital.

To view the final rule for the Medicare and Medicaid EHR incentive programs, please visit: <http://edocket.access.gpo.gov/2010/pdf/2010-17207.pdf>.

Date Updated: 8/17/2010

ID #10070

**203) My practice does not typically collect information on any of the core, alternate core, and additional clinical quality measures (CQMs) listed in the Final Rule on the Medicare and Medicaid Electronic Health Record (EHR) Incentive Programs. Do I need to report on CQMs for which I do not have any data?**

EPs are not excluded from reporting clinical quality measures, but zero is an acceptable value for the CQM denominator. If there were no patients who met the denominator population for a CQM, then the EP would report a zero for the denominator and a zero for the numerator. For the core measures, if the EP reports a zero for the core measure denominator, then the EP must report results for up to three alternate core measures (potentially reporting on all 6 core/alternate core measures). For the menu-set measures, we expect the EP to report on measures which do not have a denominator of zero. If none of the measures in the menu set applies to the EP, then the EP must report on three of such measures, reporting a denominator of zero, and then attest that the remainder of the menu-set measures have a value of zero in the denominator.

As we stated in the final rule (75 FR 44409-10): "The expectation is that the EHR will automatically report on each core clinical quality measure, and when one or more of the core measures has a denominator of zero then the alternate core measure(s) will be reported. If all six of the clinical quality measures in Table 7 have zeros for the denominators (this would imply that the EP's patient population is not addressed by these measures), then the EP is still required to report on three additional clinical measures of their choosing from Table 6 in this final rule. In regard to the three additional clinical quality measures, if the EP reports zero values, then for the remaining clinical quality measures in Table 6 (other than the core and alternate core measures) the EP will have to attest that all of the other clinical quality measures calculated by the certified EHR technology have a value of zero in the denominator, if the EP is to be exempt from reporting any of the additional clinical quality measures (other than the core and alternate core measures) in Table 6."

To view the final rule, please visit: <http://edocket.access.gpo.gov/2010/pdf/2010-17207.pdf>.

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**Date Updated:** 2/17/2011  
**ID #**10072

**204) Can eligible professionals (EPs) use clinical quality measures from the alternate core set to meet the requirement of reporting three additional measures for the Medicare and Medicaid Electronic Health Record (EHR) Incentive Programs?**

No, if EPs report data on all three clinical quality measures from the core set, they would not report on any from the alternate core set. The three additional clinical quality measures must come from Table 6 of the final rule (75 FR 44398-44408), excluding those clinical quality measures included in either the core set or the alternate core set.

To view the final rule for the Medicare and Medicaid EHR incentive programs, please visit: <http://edocket.access.gpo.gov/2010/pdf/2010-17207.pdf>.

**Date Updated:** 2/17/2011  
**ID #**10075

**205) In a group practice, will each provider need to demonstrate meaningful use in order to get Medicare and Medicaid electronic health record (EHR) incentive payments or can meaningful use be calculated or averaged at the group level?**

Yes. Medicare and Medicaid incentive payments are made on a per EP basis, not by practice. Each EP will need to demonstrate the full requirements of meaningful use in order to qualify for the EHR incentive payments. We made this clear in the preamble to the final rule when we declined to adopt alternative means for demonstrating meaningful use on a group-practice level (75 FR 44437).

To view the final rule for the Medicare and Medicaid EHR incentive programs, please visit: <http://edocket.access.gpo.gov/2010/pdf/2010-17207.pdf>.

**Date Updated:** 2/17/2011  
**ID #**10076

**206) Can the drug-drug and drug-allergy interaction alerts of my electronic health record (EHR) also be used to meet the meaningful use objective for implementing one clinical decision support rule for the Medicare and Medicaid EHR Incentive Programs?**

No. The drug-drug and drug-allergy checks and the implementation of one clinical decision support rule are separate core meaningful use objectives. EPs and eligible hospitals must implement one clinical decision support rule in addition to drug-drug and drug-allergy interaction checks. We would not have listed these core requirements as separate measures, nor required that EPs and hospitals meet all core objectives and measures listed in the regulation, had we intended for them to be met simultaneously.

**Date Updated:** 2/17/2011  
**ID #**10077

**207) What do the numerators and denominators mean in measures that are required to demonstrate meaningful use for the Medicare and Medicaid Electronic Health Record (EHR) Incentive Program?**

There are 15 measures for EPs and 14 measures for eligible hospitals that require the collection of data to calculate a percentage, which will be the basis for determining if the Meaningful Use objective was met according to a minimum threshold for that objective.

Objectives requiring a numerator and denominator to generate this calculation are divided into two groups: one where the denominator is based on patients seen or admitted during the EHR reporting period, regardless of whether their records are maintained using certified EHR technology; and a second group where the objective is not relevant to all patients either due to limitations (e.g., recording tobacco use for all patients 13 and older) or because the action related to the objective is not relevant (e.g., transmitting prescriptions electronically). For these objectives, the denominator is based on actions related to patients whose records are maintained using certified EHR technology. This grouping is designed to reduce the burden on providers. Table 3 in the Medicare and Medicaid EHR Incentive programs final rule (FR 75 44376 - 44380) lists measures sorted by the method of measure calculation. To view the final rule, please visit:

<http://edocket.access.gpo.gov/2010/pdf/2010-17207.pdf>.

Date Updated: 2/17/2011

ID #10095

**208) Who can enter medication orders in order to meet the measure for the computerized provider order entry (CPOE) meaningful use objective under the Medicare and Medicaid Electronic Health Record (EHR) Incentive Programs? When must these medication orders be entered?**

Any licensed healthcare professional can enter orders into the medical record for purposes of including the order in the numerator for the measure of the CPOE objective if they can enter the order per state, local, and professional guidelines. The order must be entered by someone who could exercise clinical judgment in the case that the entry generates any alerts about possible interactions or other clinical decision support aides. This necessitates that CPOE occurs when the order first becomes part of the patient's medical record and before any action can be taken on the order. Each provider will have to evaluate on a case-by-case basis whether a given situation is entered according to state, local, and professional guidelines, allows for clinical judgment before the medication is given, and is the first time the order becomes part of the patient's medical record.

Date Updated: 10/18/2010

ID #10134

**209) One of the menu set Meaningful Use objectives for the Medicare and Medicaid Electronic Health Record (EHR) Incentive Programs requires eligible hospitals and Critical Access Hospitals (CAHs) to incorporate clinical lab-test results into EHR as**

**structured data. Must there be an explicit linking between structured lab results received into the EHR and the order placed by the physician for the lab test in order to count a structured lab result in the numerator for the measure of this objective?**

The only requirement to meet the measure of this objective is that more than 40 percent of all clinical lab tests results ordered during the EHR reporting are incorporated in certified EHR technology as structured data. Provided the lab result is recorded as structured data and uses the standards to which certified EHR technology is certified, there does not need to be an explicit linking between the lab result and the order placed by the physician in order to count it in the numerator for the measure of this objective in the Medicare and Medicaid EHR Incentive Programs.

Date Updated: 9/24/2010  
ID #10136

**210) In order to satisfy the Meaningful Use objective for electronic prescribing (eRx) in the Medicare and Medicaid Electronic Health Record (EHR) Incentive Programs, can providers use intermediary networks that convert information from the certified EHR into a computer-based fax for sending to the pharmacy? Should these transactions be included in the numerator for the measure of this objective?**

The meaningful use measure for e-prescribing is the electronic transmission of 40 percent of all permissible prescriptions. If the EP generates an electronic prescription and transmits it electronically using the standards of certified EHR technology to either a pharmacy or an intermediary network, and this results in the prescription being filled without the need for the provider to communicate the prescription in an alternative manner, then the prescription would be included in the numerator.

Date Updated: 9/27/2010  
ID #10137

**211) One of the measures for the core set of clinical quality measures for eligible professionals (EPs) is not applicable for my patient population. Am I excluded from reporting that measure for the Medicare or Medicaid Electronic Health Record (EHR) Incentive Programs?**

An eligible professional (EP) is not excluded from reporting core clinical quality measures. However, zero is an acceptable value to report for the denominator of a clinical quality measure if there is no patient population within the EHR to whom that clinical quality measure applies. If an EP reports a zero denominator for one of the core measures, then the EP is required to report results for up to three alternate core measures (possibly reporting denominators of 0 for all three alternate core measures). We refer readers to pp. 44409-10 of the preamble to our final rule for our discussion of this issue.

Date Updated: 9/24/2010  
ID #10142

**212) Can I use the electronic specifications for clinical quality measures to satisfy both the Physician Quality Reporting System (PQRS) and the Medicare and Medicaid Electronic Health Record (EHR) Incentive Programs?**

No. Each program has specific specifications for reporting. In the future CMS expects to harmonize specifications between PQRS (formerly known as the Physician Quality Reporting Initiative, or PQRI) and the Medicare and Medicaid EHR Incentive Programs. Therefore if a provider is reporting under the PQRI EHR program, they must refer to the PQRS EHR specifications found at

[http://www.cms.gov/PQRI/20\\_AlternativeReportingMechanisms.asp](http://www.cms.gov/PQRI/20_AlternativeReportingMechanisms.asp). Providers are required to report using the specifications for clinical quality measures found at [http://www.cms.gov/QualityMeasures/03\\_ElectronicSpecifications.asp#TopOfPage](http://www.cms.gov/QualityMeasures/03_ElectronicSpecifications.asp#TopOfPage).

Date Updated: 5/17/2011

ID #10143

**213) I am an eligible professional (EP) for whom none of the core, alternate core, or additional clinical quality measures adopted for the Medicare and Medicaid Electronic Health Record (EHR) incentive programs apply. Am I exempt from reporting on all clinical quality measures?**

In the event that none of the 44 clinical quality measures applies to an EP's patient population, the EP is still required to report a zero for the denominators for all six of the core and alternate core clinical quality measures. If all of the remaining 44 clinical quality measures included in Table 6 of our final rule do not apply to the EP, then the EP is still required to report on at least three of the additional clinical quality measures of their choosing from Table 6 of the final rule (other than the six core/alternative core measures). If the EP reports zero values for these three additional, menu-set clinical quality measures, then for the remaining menu-set clinical quality measures, the EP will also have to attest that all the other menu-set quality measures calculated by the certified EHR technology have a value of zero in the denominator. In other words, the EP is required to try to find at least three measures in the menu set for which the denominator is other than zero. If s/he cannot, then the EP must still choose three menu-set measures on which to report. S/he may report zero denominators for some or all of these measures, but must accompany such "zero denominator" reporting with an attestation that all of the other menu-set measures calculated by the certified EHR technology have a value of zero in the denominator. A zero report in the menu-set is not sufficient without such accompanying attestation. We refer readers to page 44410 of the preamble to the final rule.

Date Updated: 9/24/2010

ID #10144

**214) If the denominators for all three of the core clinical quality measures are zero, do I have to report on the additional clinical quality measures for eligible professionals (EPs) under the Medicare and Medicaid Electronic Health Record (EHR) Incentive Programs?**

If the denominator value for all three of the core clinical quality measures is zero, an EP must report a zero denominator for all such core measures, and then must also report on all 3 alternate core clinical quality measures. If the denominator values for all three of the alternate core clinical quality measures is also '0,' an EP still needs to report on 3 additional clinical quality measures. Zero is an acceptable denominator provided that this value was produced by certified EHR technology. Please see question number 10144 for a discussion of zero denominator reporting in the menu set.

**Date Updated:** 9/24/2010

ID #10145

**215) For eligible hospitals and critical access hospitals (CAHs) under the Medicare and Medicaid Electronic Health Record (EHR) Incentive Programs, will the clinical quality measure results be calculated similar to the Hospital Inpatient Quality Reporting (IQR) Program (Formerly known as Reporting Hospital Quality Data for Annual Payment Update program)?**

No. For all clinical quality measures reported for the Medicare and Medicaid EHR Incentive Programs, the certified EHR must report the numerator, denominator, and exclusion results. Providers will report their aggregate results for clinical quality measures during attestation to CMS or the States.

**Date Updated:** 5/9/2011

ID #10146

**216) To meet the Meaningful Use objective "maintain an up-to-date problem list of current and active diagnoses" for the Medicare and Medicaid Electronic Health Record (EHR) Incentive Programs, are eligible professionals (EPs), eligible hospitals, and critical access hospitals (CAHs) required to use ICD-9 or SNOMED-CT®?**

The Medicare and Medicaid Electronic Health Record (EHR) Incentive Programs do not specify the use of ICD-9 and SNOMED-CT® to meet the measure for the Meaningful Use objective "maintain an up-to-date problem list of current and active diagnoses." However, the Office of the National Coordinator for Health Information Technology (ONC) has adopted ICD-9 and SNOMED-CT® as a standard for the entry of structured data in certified EHR technology. Therefore, EPs, eligible hospitals, and CAHs will need to maintain an up-to-date problem list of current and active diagnoses using ICD-9 and SNOMED-CT® in order to meet the measure for this objective.

**Date Updated:** 9/29/2010

ID #10150

**217) To meet the meaningful use objective "use computerized provider order entry (CPOE)" for the Medicare and Medicaid Electronic Health Record (EHR) Incentive Programs, should eligible professionals (EPs) include hospital-based observation patients (billed under POS 22) whose records are maintained using the hospital's certified EHR system in the numerator and denominator calculation for this measure?**

If the patient has records that are maintained in both the hospital's certified EHR system and the EP's certified EHR system, the EP should include those patients seen in locations billed under POS 22 in the numerator and denominator calculation for this measure. If the patient's records are maintained only in a hospital certified EHR system, the EP does not need to include those patients in the numerator and denominator calculation to meet the measure of the "use computerized provider order entry (CPOE)" objective.

**Date Updated:** 2/18/2011

**ID #10462**

**218) If data is captured using certified electronic health record (EHR) technology, can an eligible professional or eligible hospital use a different system to generate reports used to demonstrate meaningful use for the Medicare and Medicaid EHR Incentive Programs?**

By definition, certified EHR technology must include the capability to electronically record the numerator and denominator and generate a report including the numerator, denominator, and resulting percentage for all percentage-based meaningful use measures (specified in the certification criterion adopted at 45 CFR 170.302(n)). However, the meaningful use measures do not specify that this capability must be used to calculate the numerators and denominators. Eligible professionals and eligible hospitals may use a separate, non-certified system to calculate numerators and denominators and to generate reports on the measures of the core and menu set meaningful use objectives.

Eligible professionals and eligible hospitals will then enter this information in CMS' web-based Medicare and Medicaid EHR Incentive Program Registration and Attestation System. Eligible professionals and eligible hospitals will fill in numerators and denominators for meaningful use objectives, indicate if they qualify for exclusions to specific objectives, report on clinical quality measures, and legally attest that they have successfully demonstrated meaningful use.

Please note that eligible professionals and eligible hospitals cannot use a non-certified system to calculate the numerators, denominators, and exclusion information for clinical quality measures. Numerator, denominator, and exclusion information for clinical quality measures must be reported directly from certified EHR technology. For additional clarification about this, please refer to the following FAQ from the Office of the National Coordinator of Health Information Technology:

[http://healthit.hhs.gov/portal/server.pt/community/onc\\_regulations\\_faqs/3163/faq\\_1\\_3/20775](http://healthit.hhs.gov/portal/server.pt/community/onc_regulations_faqs/3163/faq_1_3/20775).

**Date Updated:** 3/7/2011

**ID #10465**

**219) For the Medicare and Medicaid Electronic Health Record (EHR) Incentive Programs, is an eligible professional or eligible hospital limited to demonstrating meaningful use in the exact way that EHR technology was tested and certified? For example, if a Complete EHR has been tested and certified using a specific workflow,**

**is an eligible professional or eligible hospital required to use that specific workflow when it demonstrates meaningful use? Similarly, if the EHR technology was tested and certified with certain clinical decision support rules, are those the only clinical decision support rules an eligible health care provider is permitted to use when demonstrating meaningful use?**

In most cases, an eligible professional or eligible hospital is not limited to demonstrating meaningful use to the exact way in which the Complete EHR or EHR Module was tested and certified. As long as an eligible professional or eligible hospital uses the certified Complete EHR or certified EHR Module's capabilities and, where applicable, the associated standard(s) and implementation specifications that correlate with the respective meaningful use objective and measure, they can successfully demonstrate meaningful use even if their exact method differs from the way in which the Complete EHR or EHR Module was tested and certified.

It is important to remember the purpose of certification. Certification is intended to provide assurance that a Complete EHR or EHR Module will properly perform a capability or capabilities according to the adopted certification criterion or criteria to which it was tested and certified (and according to the applicable adopted standard(s) and implementation specifications, if any). The Temporary Certification Program and Permanent Certification Program Final Rules (75 FR 36188 and 76 FR 1301, respectively), published by the Office of the National Coordinator for Health IT (ONC), acknowledged that eligible professionals and eligible hospitals could, where appropriate, modify their certified Complete EHR or certified EHR Module to meet local health care delivery needs and to take full advantage of the capabilities that the certified Complete EHR or certified EHR Module includes.

These rules also cautioned that modifications made to a Complete EHR or EHR Module post-certification have the potential to adversely affect the technology's capabilities such that it no longer performs as it did when it was tested and certified, which could ultimately compromise an eligible professional or eligible hospital's ability to successfully demonstrate meaningful use.

In instances where a certification criterion expresses a capability which could potentially be added to or enhanced by an eligible professional or eligible hospital, the way in which EHR technology was tested and certified generally would not limit a provider's ability to modify the EHR technology in an effort to maximize the utility of that capability. Examples of this could include adding clinical decision support rules, adjusting or adding drug-drug notifications, or generating patient lists or patient reminders based on additional data elements beyond those that were initially required for certification. Modifications that adversely affect the EHR technology's capability to perform in accordance with the relevant certification criterion could, however, ultimately compromise an eligible professional or eligible hospital's ability to successfully demonstrate meaningful use.

In instances where the EHR technology was tested and certified using a sample workflow and/or generic forms/templates, an eligible professional or eligible hospital generally is not limited to using that sample workflow and/or those generic forms/templates. In this context, the “workflow” would constitute the specific steps, methods, processes, or tasks an eligible professional or eligible hospital would follow when using one or more capabilities of the certified Complete EHR or certified EHR Module to meet meaningful use objectives and associated measures. An eligible health care provider could use a different workflow and/or substitute different forms/templates for those that are included in the certified Complete EHR or certified EHR Module. Again, care should be taken to ensure that such actions do not adversely affect the Complete EHR's or EHR Module's performance of the capabilities for which it was tested and certified, which could ultimately compromise an eligible professional or eligible hospital's ability to successfully demonstrate meaningful use.

**Date Updated:** 3/7/2011

**ID #10473**

## **VIII. Questions about Attestation**

### **221) When can eligible professionals (EPs), eligible hospitals, and critical access hospitals (CAHs) begin to attest to meaningful use of certified electronic health record (EHR) technology for the purposes of the Medicare and Medicaid EHR Incentive Program?**

The earliest an EP, eligible hospital, or CAH can attest to CMS that they have demonstrated meaningful use of certified EHR technology under the Medicare EHR Incentive Program is April 2011. Participants under the Medicaid EHR Incentive Program should check with their State to find out when they can begin participation. Under the Medicaid EHR Incentive Program, providers can attest that they have adopted, implemented, or upgraded certified EHR technology in their first year of participation to receive an incentive payment.

Date Updated: 9/27/2010

ID #10147

### **222) For the Medicaid EHR Incentive Program, how are the reporting periods for Medicaid patient volume and for demonstrating meaningful use affected if an eligible professional (EP) skips a year or takes longer than 12 months between attestations?**

Regardless of when the previous incentive payment was made, the following reporting periods apply for the Medicaid EHR Incentive Program:

- For patient volume, an eligible professional (EP) should use any continuous, representative 90-day period in the prior calendar year.
- For demonstrating they are meaningful users of Electronic Health Records (EHRs),

EPs should use the EHR reporting period associated with that payment year (for the first payment year that an EP is demonstrating meaningful use, the reporting period is a continuous 90-day period within the calendar year; for subsequent years the period is the full calendar year).

Date Updated: 3/28/2011

ID #10528

### **223) Can eligible professionals (EPs) allow another person to register or attest for them?**

Yes. Users registering or attesting on behalf of an EP must have an Identity and Access Management System (I&A) web user account (User ID/Password) and be associated to the EP's NPI. If you are working on behalf of an EP(s) and do not have an I&A web user account, please visit

<https://nppes.cms.hhs.gov/NPPES/IASecurityCheck.do> to create one.

Date Updated: 2/22/2011

ID #10565

**224) How will I attest for the Medicare and Medicaid Electronic Health Record (EHR) Incentive Programs?**

Medicare eligible professionals and eligible hospitals will have to demonstrate meaningful use through CMS' web-based Medicare and Medicaid EHR Incentive Program Registration and Attestation System. In the Registration and Attestation System, providers will fill in numerators and denominators for the meaningful use objectives and clinical quality measures, indicate if they qualify for exclusions to specific objectives, and legally attest that they have successfully demonstrated meaningful use. Once providers have completed a successful online submission through the Attestation System, they will qualify for a Medicare EHR incentive payment. The Attestation System for the Medicare EHR Incentive Program will open in April. CMS plans to release additional information about the attestation process soon.

For the Medicaid EHR Incentive Program, providers will follow a similar process using their State's Attestation System. Check here to see states' scheduled launch dates for their Medicaid EHR Incentive Programs:

<http://www.cms.gov/apps/files/medicaid-HIT-sites/.>

Date Updated: 2/24/2011

ID #10463

**225) How can I change my attestation information after I have attested and/or received an incentive payment under the Medicare Electronic Health Record (EHR) Incentive Program?**

If you discover that the information you entered during your Medicare attestation was not complete and accurate for some reason, please contact our EHR Information Center Help Desk and ask about the process for amending your attestation data. You can contact the EHR Information Center at 1-888-734-6433 (primary number) or 1-888-734-6563 (TTY number), 7:30 a.m. – 6:30 p.m. (Central Time) Monday through Friday, except federal holidays.

Providers who have questions about changing their completed Medicaid attestation should contact their State Medicaid Agency for assistance.

Date Updated: 2/13/2012

ID #10982

**226) Does the person who completes the registration for the Medicare and Medicaid Electronic Health Record (EHR) Incentive Programs need to be the same person who completes the attestation?**

No. For Medicare providers, CMS has determined that if there are multiple users approved to work on behalf of an eligible professional (EP), any of those authorized users can update the EP's registration or attestation. In addition, the EP could login

and update the information him or herself. For Medicaid, each State determines if they are allowing authorized third parties to attest on behalf of EPs.

**Date Updated: 10/20/2011**

**ID #10845**

**227) To what attestation statements must an eligible professional (EP), eligible hospital, or critical access hospital (CAH) agree in order to submit an attestation, successfully demonstrate meaningful use, and receive an incentive payment under the Medicare Electronic Health Record (EHR) Incentive Program?**

Currently, the attestation process requires EPs, eligible hospitals, and CAHs to indicate that they agree with the following attestation statements:

- The information submitted for clinical quality measures (CQMs) was generated as output from an identified certified EHR technology.
- The information submitted is accurate to the knowledge and belief of the EP or the person submitting on behalf of the EP, eligible hospital, or CAH.
- The information submitted is accurate and complete for numerators, denominators, exclusions, and measures applicable to the EP, eligible hospital, or CAH.
- The information submitted includes information on all patients to whom the measure applies.

CMS considers information to be accurate and complete for CQMs insofar as it is identical to the output that was generated from certified EHR technology.

Numerator, denominator, and exclusion information for CQMs must be reported directly from information generated by certified EHR technology. By agreeing to the above statements, the EP, eligible hospital, or CAH is attesting that the information for CQMs entered into the Registration and Attestation System is identical to the information generated from certified EHR technology. CMS does not require EPs, eligible hospitals, or CAHs to provide any additional information beyond what is generated from certified EHR technology in order to satisfy the requirement for submitting CQM information. Please note that quality performance results for CQMs are not being assessed at this time under the EHR Incentive Programs.

Complete and accurate information for the remaining meaningful use core and menu set measures does not necessarily have to be entered directly from information generated by certified EHR technology. By definition, for each meaningful use objective with a percentage-based measure, certified EHR technology must include the capability to electronically record the numerator and denominator and generate a report including the numerator, denominator, and resulting percentage for these measures. However, with the exception of CQMs, meaningful use measures do not specify that this capability must be used to calculate the numerators and denominators. EPs, eligible hospitals, and CAHs can use a separate, uncertified system to calculate numerators and denominators and to generate reports on all measures of the core and menu set meaningful use objectives except CQMs. In order to provide complete and accurate information

for certain of these measures, they may also have to include information from paper-based patient records or from records maintained in uncertified EHR technology. By agreeing to the above statements, the EP, eligible hospital, or CAH is attesting to providing all of the information necessary from certified EHR technology, uncertified EHR technology, and/or paper-based records in order to render complete and accurate information for all meaningful use core and menu set measures except CQMs.

**Date Updated: 4/22/2011**

**ID #10589**

## **IX. Questions about Payments**

### **Payment Amounts**

#### **229) How much are the Medicare and Medicaid Electronic Health Record (EHR) incentive payments to eligible professionals (EPs)?**

Under the Medicare EHR Incentive Program, EPs who demonstrate meaningful use of certified EHR technology can receive up to a total of \$44,000 over 5 consecutive years. Additional incentives are available for Medicare EPs who practice in a Health Provider Shortage Area (HPSA) and meet the maximum allowed charge threshold. Under the Medicaid EHR Incentive Program, EPs can receive up to a total \$63,750 over the 6 years that they choose to participate in program. EPs may switch once between programs after a payment has been made and only before 2015.

Date Updated: 2/17/2011

ID #10089

#### **230) What is the maximum electronic health record (EHR) incentive an eligible professional (EP) can earn under Medicare?**

EPs who successfully demonstrate meaningful use certified EHR technology as early as 2011 or 2012 may be eligible for up to \$44,000 in Medicare incentive payments spread out over five years. EPs who predominantly furnish services in a Health Professional Shortage Area (HPSA) are eligible for a 10 percent increase in the maximum incentive amount.

Date Updated: 7/30/2010

ID #9811

#### **231) Do recipients of Medicare or Medicaid electronic health record (EHR) incentive payments need to file reports under Section 1512 of the American Recovery and Reinvestment Act of 2009 (Recovery Act)? Section 1512 of the Recovery Act outlines reporting requirements for use of funds.**

No. The Medicare and Medicaid EHR incentive payments made to providers are not subject to Recovery Act 1512 reporting because they are not made available from appropriations made under the Act; however, the Health Information Technology for Clinical and Economic Health (HITECH) Act does require that information about eligible professionals (EPs), eligible hospitals and CAHs participating in the Medicare fee-for-service (FFS) or Medicare Advantage (MA) EHR incentive programs be posted on our website.

Date Updated: 2/17/2011

ID #10073

### **Payment Timing**

**232) After successfully demonstrating meaningful use for the Medicare and Medicaid Electronic Health Record (EHR) Incentive Program, will incentive payments be paid as a lump sum or in multiple installments?**

Eligible professionals (EPs) participating in the Medicare EHR Incentive Program will receive a single lump sum payment for each year they successfully demonstrate meaningful use of certified EHR technology. Eligible hospitals and critical access hospitals (CAHs) participating in the Medicare EHR Incentive Program will first receive an initial payment. The final payment will be determined at the time of settling the hospital cost report. Payments to Medicare providers will be made to the taxpayer identification number (TIN) selected at the time of registration, through the same channels their claims payments are made. However, for EPs practicing in a health professional shortage area (HPSA), the additional incentive payment will be paid separately to the same TIN as the incentive payment.

Medicaid incentives will be paid by the States. EPs, eligible hospitals, and CAHs participating in the Medicaid EHR Incentive Program should check with their State.

**Date Updated:** 4/11/2011  
**ID #10161**

**233) When will the Centers for Medicare & Medicaid Services (CMS) begin to pay Medicare and Medicaid electronic health record (EHR) incentives to eligible professionals (EPs) and hospitals the demonstration of meaningful use of certified EHR technology?**

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. Under the Medicaid EHR Incentive Program, incentives can also be paid for the adoption, implementation, or upgrade of certified EHR technology.

**Date Updated:** 7/30/2010  
**ID #9807**

**234) When will the Centers for Medicare & Medicaid Services (CMS) begin to pay incentives to eligible professionals (EPs) and eligible hospitals and critical access hospitals (CAHs) for using certified electronic health record (EHR) technology?**

Payments for the Medicare EHR Incentive Program are expected to be available as early as May 2011. Attestation for the Medicare EHR Incentive Program is expected to begin in April 2011. Registration for the Medicare EHR Incentive Program began on January 3, 2011 and is available online at <https://ehrincentives.cms.gov>. Please note that although the Medicaid EHR Incentive Programs will begin January 3, 2011, not all states will be ready to participate on this date. Information on when registration will be available for Medicaid EHR Incentive Programs in specific States is posted at [http://www.cms.gov/EHRIIncentivePrograms/40\\_MedicaidStateInfo.asp](http://www.cms.gov/EHRIIncentivePrograms/40_MedicaidStateInfo.asp).

**Date Updated:** 1/6/2011  
**ID #10066**

**235) How and when will incentive payments for the Medicare Electronic Health Record (EHR) Incentive Programs be made?**

For eligible professionals (EPs), incentive payments for the Medicare EHR Incentive Program will be made approximately four to eight weeks after an EP successfully attests that they have demonstrated meaningful use of certified EHR technology. However, EPs will not receive incentive payments within that timeframe if they have not yet met the threshold for allowed charges for covered professional services furnished by the EP during the year. Payments will be held until the EP meets the \$24,000 threshold in allowed charges for the calendar year in order to maximize the amount of the EHR incentive payment they receive. Medicare EHR incentive payments are based on 75% of the estimated allowed charges for covered professional services furnished by the EP during the entire calendar year. If the EP has not met the \$24,000 threshold in allowed charges by the end of calendar year, CMS expects to issue an incentive payment for the EP in March of the following year (allowing two months after the end of the calendar year for all pending claims to be processed).

Payments to Medicare EPs will be made to the taxpayer identification number (TIN) selected at the time of registration, through the same channels their claims payments are made. The form of payment (electronic funds transfer or check) will be the same as claims payments.

Bonus payments for EPs who practice predominantly in a geographic Health Professional Shortage Area (HPSA) will be made as separate lump-sum payments no later than 120 days after the end of the calendar year for which the EP was eligible for the bonus payment.

Medicare EHR incentive payments to eligible hospitals and critical access hospitals (CAHs) will also be made approximately four to eight weeks after the eligible hospital or CAH successfully attests to having demonstrated meaningful use of certified EHR technology. Eligible hospitals and CAHs will receive an initial payment and a final payment. Final payment will be determined at the time of settling the hospital cost report. CAHs will be paid after they submit their reasonable cost data to their Medicare Administrative Contractor (MAC).

Please note that the Medicaid incentives will be paid by the States, but the timing will vary according to State. Please contact your State Medicaid Agency for more details about payment.

**Date Updated: 2/7/2012**  
**ID #10160**

**236) When will a Critical Access Hospital (CAH) receive its Medicare EHR incentive payment?**

Upon submission of a successful attestation, the CAH will be eligible for an EHR incentive payment. In order for the incentive payment to be calculated, the CAH

must submit documentation to its Medicare contractor (Fiscal Intermediary/Medicare Administrative Contractor) to support the costs incurred for certified EHR technology. Once the Medicare contractor calculates the allowable amount and Medicare Share the CAH should expect its interim incentive payment within 4 to 6 weeks.

The CAH will receive an interim incentive payment that will later be reconciled on the Medicare cost report. The interim payment will be calculated using the Medicare Share based on the data reported on the hospital's latest submitted 12-month cost report.

The interim payment will be included on the CAH's cost report that begins during the payment year, and will be reconciled to the actual amounts at final settlement of the cost report.

Example – If a hospital has a December 31 fiscal year end, and attests as a meaningful user on August 1, 2011:

- The latest filed cost report when the CAH attests will most likely be the fiscal year end December 31, 2010 cost report. The data on that cost report will be used to calculate the Medicare Share for the initial payment.
- The cost reporting period that begins during the HITECH payment year (which is the federal fiscal year) is the fiscal year ending December 31, 2011 cost reporting period (since the begin date of January 1, 2011 falls within the fiscal year 2011 HITECH year). The interim payment will be reconciled at final settlement of the cost report for this period.

The new Medicare hospital cost report, Form CMS 2552-10, will contain worksheets to accommodate the EHR incentive payments.

Note – the EHR incentive payments will be made by a single payment contractor, and not by the hospitals' Medicare contractor (Fiscal Intermediary/Medicare Administrative Contractor).

**Date Updated: 7/11/2011**

**ID #10719**

**237) I am an eligible professional (EP) who has successfully attested for the Medicare Electronic Health Record (EHR) Incentive Program, so why haven't I received my incentive payment yet?**

For EPs, incentive payments for the Medicare EHR Incentive Program will be made approximately four to eight weeks after an EP successfully attests that they have demonstrated meaningful use of certified EHR technology. However, EPs will not receive incentive payments within that timeframe if they have not yet met the threshold for allowed charges for covered professional services furnished by the EP during the year.

The Medicare EHR incentive payments to EPs are based on 75% of the estimated allowed charges for covered professional services furnished by the EP during the entire payment year. Therefore, to receive the maximum incentive payment of \$18,000 for the first year of participation in 2011 or 2012, the EP must accumulate \$24,000 in allowed charges. If the EP has not met the \$24,000 threshold in allowed charges at the time of attestation, CMS will hold the incentive payment until the EP meets the \$24,000 threshold in order to maximize the amount of the EHR incentive payment the EP receives. If the EP still has not met the \$24,000 threshold in allowed charges by the end of calendar year, CMS expects to issue an incentive payment for the EP in March 2012 (allowing 60 days after the end of the 2011 calendar year for all pending claims to be processed).

Payments to Medicare EPs will be made to the taxpayer identification number (TIN) selected at the time of registration, through the same channels their claims payments are made. The form of payment (electronic funds transfer or check) will be the same as claims payments.

Bonus payments for EPs who practice predominantly in a geographic Health Professional Shortage Area (HPSA) will be made as separate lump-sum payments no later than 120 days after the end of the calendar year for which the EP was eligible for the bonus payment.

**Date Updated:** 6/23/2011

**ID #10692**

**238) After successfully demonstrating meaningful use for the Medicare and Medicaid Electronic Health Record (EHR) Incentive Program, will incentive payments be paid as a lump sum or in multiple installments?**

Eligible professionals (EPs) participating in the Medicare EHR Incentive Program will receive a single lump sum payment for each year they successfully demonstrate meaningful use of certified EHR technology. Eligible hospitals and critical access hospitals (CAHs) participating in the Medicare EHR Incentive Program will first receive an initial payment. The final payment will be determined at the time of settling the hospital cost report. Payments to Medicare providers will be made to the taxpayer identification number (TIN) selected at the time of registration, through the same channels their claims payments are made. However, for EPs practicing in a health professional shortage area (HPSA), the additional incentive payment will be paid separately to the same TIN as the incentive payment.

Medicaid incentives will be paid by the States. EPs, eligible hospitals, and CAHs participating in the Medicaid EHR Incentive Program should check with their State.

**Date Updated:** 10/18/2010

**ID #10161**

**EHR Incentive Payment and Other CMS Program Payments**

**239) Can eligible professionals (EPs) receive electronic health record (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.

**Date Updated:** 7/30/2010

**ID #9808**

**240) If I am receiving payments under the CMS Electronic Prescribing (eRx) Incentive Program, can I also receive Medicare and Medicaid Electronic Health Record (EHR) incentive payments?**

No, if an eligible professional (EP) earns an incentive under the Medicare EHR Incentive Program, he or she cannot receive an incentive payment under the eRx Incentive Program in the same program year, and vice versa. However, if an EP earns an incentive under the Medicaid EHR Incentive Program, he or she can receive an incentive payment under the eRx Incentive Program in the same program year.

**Date Updated:** 3/7/2011

**ID #10088**

**241) If an eligible professional (EP) does not accept assignment for Medicare Part B, is the EP eligible for an incentive payment under the Medicare Electronic Health Records (EHR) Incentive Program?**

An EP that is not a Medicare participating physician or supplier, but still submits claims to Medicare for Part B physician fee schedule services on behalf of Medicare patients to whom they furnish services would be eligible for Medicare EHR incentive payments. When the EP successfully registers and demonstrates meaningful use of certified EHR technology, the calculation of the EP's incentive payment will reflect claims for all services reimbursed under the Part B physician fee schedule regardless of whether the EP accepted assignment on those claims or not.

**Date Updated:** 5/17/2011

**ID #10167**

***Other Payment Questions***

**242) What if my electronic health record (EHR) system costs much more than the incentive the government will pay? May I request additional funds?**

The Medicare and Medicaid EHR Incentive Programs provide incentives for the meaningful use of certified EHR technology. Under the Medicaid program, there is also an incentive for the adoption, implementation, or upgrade of certified EHR technology in the first year of participation. The incentives are not a reimbursement of costs, and maximum payments have been set.

Date Updated: 7/30/2010  
ID #9812

**243) How will the public know who has received EHR incentive payments under Medicare and Medicaid EHR Incentive Program?**

As required by the American Recovery and Reinvestment Act of 2009, CMS will post the names, business addresses, and business phone numbers of all Medicare eligible professionals, eligible hospitals and critical access hospitals (CAHs) that receive EHR incentive payments. There is no such requirement for CMS to publish information on eligible professionals and eligible hospitals receiving Medicaid EHR incentive payments, though individual States may opt to do so.

To view a list of eligible professionals, eligible hospitals, and CAHs that have received Medicare EHR Incentive Payments, please [http://www.cms.gov/EHRIncentivePrograms/56\\_DataAndReports.asp](http://www.cms.gov/EHRIncentivePrograms/56_DataAndReports.asp). We expect to update this list on a quarterly basis.

Date Updated: 11/14/2011  
ID #9815

**244) What is the earliest date the payment adjustments will start to be imposed on Medicare eligible professionals (EPs) and eligible hospitals that do not demonstrate meaningful use of certified electronic health record (EHR) technology?**

Medicare payment adjustments will begin in 2015 for EPs and eligible hospitals 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.

Date Updated: 7/30/2010  
ID #9813

**245) How are Medicare EHR Incentive Payments Calculated for Critical Access Hospitals (CAHs)?**

CAHs are currently paid based on reasonable cost principles; therefore, their EHR incentive payments are calculated differently from the incentive payments to subsection (d) hospitals. A CAH must meet the definition of a meaningful EHR user to qualify to be paid the incentive payment for a payment year. A payment year means a Federal fiscal year beginning after FY 2010 and before FY 2016. In no case are incentive payments made with respect to cost reporting periods that begin during a payment year before FY 2011 or after FY 2015, and in no case may a CAH receive an incentive payment with respect to more than 4 consecutive payment years. The incentive payment made to a qualifying CAH equals:

[Allowable cost amount] \* [Medicare Share].

The allowable cost amount equals the costs of depreciable assets purchased, such as computers and associated software, necessary to administer certified EHR technology. The incentive payment permits a qualifying CAH to expense the allowable cost amount in a single payment year rather than depreciating the costs over the useful life of the purchased asset. The allowable cost amount for a cost reporting period that begins in a payment year includes the reasonable cost incurred for the purchase of certified EHR technology in that payment year plus the undepreciated costs for assets purchased, prior to the CAH becoming qualified, that are also being used to administer certified EHR technology in that payment year.

The Medicare Share is a fraction based on Medicare fee-for-service and managed care inpatient days, divided by total inpatient days, modified by charges for charity care:

- Numerator = (1) The number of inpatient-bed-days which are attributable to individuals with respect to whom payment may be made under Part A, including individuals enrolled in section 1876 Medicare cost plans; and  
(2) The number of inpatient-bed-days which are attributable to individuals who are enrolled with a Medicare Advantage organization
- Denominator = Total number of acute care inpatient-bed-days; \* ((Total amount of the eligible hospital's charges – charges attributable to charity care)/Total amount of the eligible hospital's charges))

For CAHs, 20 percentage points are added to the Medicare Share calculation (not to exceed 100 percent).

In order for the CAH to receive its interim incentive payment, upon attestation, it must submit supporting documentation for its incurred costs of purchasing certified EHR technology to its Medicare contractor (Fiscal Intermediary/Medicare Administrative Contractor). The Medicare contractor will then calculate the allowable amount. The interim incentive payment is then subject to reconciliation to determine the final incentive payment amount. The final payment amount constitutes payment in full for the reasonable costs incurred for the purchase of certified EHR technology in the single payment year.

**Date Updated: 7/11/2011**

**ID #10718**

**246) For the Medicare and Medicaid EHR Incentive Programs, how will non-standard (or irregular) cost reporting periods be taken into account in determining the appropriate cost reporting periods to employ during the Medicare and Medicaid EHR Hospital Calculations?**

This question was addressed in our Federal Register preamble (75 FR 44452) and in our rules requiring the use of a 12-month period for the discharge-related amount and the Medicaid share under Medicaid (495.310(g)). As stated there, non-standard cost reporting periods are typically employed to accommodate the circumstances

of hospitals in several distinct situations, such as newly constructed hospitals, changes of ownership, and reorganization of a single multi-campus hospital into multiple separate providers. In these cases, one non-standard cost reporting period may be employed before the hospital resumes (or begins) cost reporting on a 12-month cycle. Non-standard cost reporting periods are not likely to be truly representative of a hospital's experience, even if methods were to be adopted for extrapolating data over a normal 12-month cost reporting period. In addition, these abbreviated or extended periods often capture the experience of a hospital during a period of transition (for example, change of ownership), which often renders the data highly unrepresentative.

Hospitals cannot use irregular or non-standard cost reporting periods when calculating the hospital incentive payment. Hospitals that have irregular or non-standard cost reporting periods will have to use the most recent consecutive 12 month cost reporting period available.

For the Medicare EHR Hospital Calculation:

For purposes of determining preliminary incentive payments, we will employ discharge and other relevant data from a hospital's most recently submitted 12-month cost report once the hospital has qualified as a meaningful user.

For purposes of determining final incentive payments, we will employ the first 12-month cost reporting period that begins after the start of the payment year, in order to settle payments on the basis of the hospital discharge and other data from that cost reporting period.

For the Medicaid EHR Hospital Calculation:

For purposes of extrapolating data from the cost report for the Medicaid EHR Hospital Calculation, the States should require a hospital's most recently submitted 12-month cost report. If a hospital has an irregular or non-standard reporting period, the State should require the hospital's next most recent 12-month cost report.

Since the State can use other auditable data sources beyond the Medicare cost report to calculate Medicaid aggregate EHR hospital incentive amounts, as well as determining Medicaid incentive payments to hospitals, the State has an opportunity to require other data sources if the hospitals still want to include the data from the irregular or non-standard cost reporting year, but the period used must be a period of 12 months.

**Date Updated: 12/16/2011**  
**ID #10882**

**247) Are there any special incentives for rural providers in the Medicare and Medicare Electronic Health Record (EHR) Incentive Programs?**

Under the Medicare EHR Incentive Program, the maximum allowed charge threshold for the annual incentive payment limit for each payment year will be increased by 10 percent for eligible professionals (EPs) who predominantly furnish services in a rural or urban geographic Health Professional Shortage Area (HPSA). Critical access hospitals (CAHs) can receive an incentive payment amount equal to

the product of its reasonable costs incurred for the purchase of certified EHR technology and the Medicare share percentage. Under the Medicaid EHR Incentive Program, there are no additional incentives for rural providers, beyond the incentives already available.

**Date Updated: 2/17/2011**

**ID #10090**

## X. Information for States

**248) If a State proposes a new definition for meaningful use under its Medicaid EHR Incentive Program, will it need to include the new definition of meaningful use in its State Medicaid Health Information Technology Plan (SMHP)? When are the SMHPs due?**

Yes, if a State wishes to request flexibility with the definition of meaningful use, to the extent permissible under the Medicare and Medicaid EHR Incentive Programs final rule, it would do so via its SMHP.

There is no due date for SMHPs. States are implementing their Medicaid EHR Incentive Programs on a rolling basis. The SMHPs are therefore expected to be iterative, as States implement their programs incrementally, especially in the early years.

**Date Updated:** 3/28/2011  
**ID #**10533

**249) If a State has a team of staff members who will be administering the Medicaid EHR Incentive Program from 2011-2021 (answering provider questions, engaging in reporting and analysis, assisting providers with eligibility and verifying provider eligibility, appeals, etc.), would there be 90% Federal Financial Participation for this team on an ongoing basis once approval is received from CMS on State Medicaid Health Information Technology Plan and the Health Information Technology Implementation Advance Planning Document?**

Yes. However, if state staff members are not working full-time on the Medicaid EHR Incentive Program, their salaries need to be cost-allocated appropriately.

**Date Updated:** 3/28/2011  
**ID #**10534

**250) Does CMS intend for States or other organizations to include the new eHR logo and tagline in published statewide materials concerning the Medicaid EHR Incentive Program?**

No, CMS is not requesting that States (or other organizations) use the eHR logo and tagline; however States may request the logo to help identify their program as the "official" source for their state's Medicaid EHR Incentive Program. Please note that the eHR logo and tagline may only be used by external entities with permission by CMS Office of External Affairs and Beneficiary Services. To request the logo, please submit an email via [logos@cms.hhs.gov](mailto:logos@cms.hhs.gov) to start the process.

**Date Updated:** 3/28/2011  
**ID #**10519

**251) Is there an assumption or expectation from CMS that States identify local Regional Extension Centers (RECs) as adoption entities for the Medicaid EHR Incentive Program?**

States are not required to identify RECs as EHR adoption entities. Under the Medicaid EHR Incentive Program, it is entirely up to States to determine who they wish to designate as a permissible adoption entity, if any, in accordance with CMS regulations at 495.310(k) and 495.332(c)(9). It is entirely voluntary for an eligible professional to choose to reassign his/her incentive payments to a State-designated adoption entity.

**Date Updated:** 3/28/2011  
**ID #**10521

**252) Assuming that the request excludes activities funded by the Office of the National Coordinator for Health Information Technology (ONC) or other technical assistance efforts, and that the expenditures are subject to a cost allocation formula across all payers, can a State access enhanced matching funds for the Medicaid EHR Incentive Program to participate in the creation of a HIE that is not directly administered by the State Medicaid Agency?**

The enhanced match rate depends upon whether the Health Information Exchange solution is using Medicaid Management Information System (MMIS) funding or Health Information Technology for Economic and Clinical Health (HITECH) funding. Governance only is relevant under the MMIS regulations, as it pertains to the matching rate determination. States should talk to CMS about their ideas in draft, informally, so that CMS can give a more State-specific response around appropriate funding, matching rates, etc.

**Date Updated:** 3/28/2011  
**ID #**10529