

U.S. House and Senate Notification
Monday, December 30, 2009

To: Congressional Health Staff

From: Amy Hall
Director, Office of Legislation
Centers for Medicare & Medicaid Services

Subject: CMS Issues Notice of Proposed Rulemaking to Define ‘Meaningful Use’ for EHR Incentive Programs

Today, the Centers for Medicare & Medicaid Services (CMS) issued a proposed rule to implement the EHR incentive programs enacted under the American Recovery and Reinvestment Act (Recovery Act). The Recovery Act established programs to provide incentive payments to eligible professionals and eligible hospitals participating in Medicare and Medicaid which adopt and demonstrate “meaningful use” of certified EHR technology. The proposed rule outlines provisions governing the Medicare and Medicaid EHR incentive programs.

The Office of the National Coordinator for Health Information Technology (ONC) also issued today a closely-related interim final regulation which sets initial standards, implementation specifications, and certification criteria for EHR technology. Eligible professionals and eligible hospitals must use such certified EHRs to meet “meaningful use” requirements in the Medicare and Medicaid EHR incentive programs.

The CMS proposed rule is available at http://www.federalregister.gov/OFRUpload/OFRData/2009-31217_PI.pdf. The press release and fact sheets can be viewed at https://www.cms.hhs.gov/apps/media/press_releases.asp and https://www.cms.hhs.gov/apps/media/fact_sheets.asp respectively. If you have questions about the CMS proposed rule, please contact the CMS Office of Legislation.

The ONC interim final rule can be viewed at <http://healthit.hhs.gov/standardsandcertification>. If you have questions about the ONC interim final rule, please contact the Office of the Assistant Secretary for Legislation at 202-690-7627.

For information about the Recovery Act, please visit http://www.cms.hhs.gov/Recovery/11_HealthIT.asp.