



## EHR Incentive Programs in 2015 through 2017: Broadband Access Exclusions

### Overview

In October 2015, the Centers for Medicare & Medicaid Services (CMS) published a [final rule](#) that specifies criteria that eligible professionals (EPs), eligible hospitals, and critical access hospitals (CAHs) must meet in order to participate in the Medicare and Medicaid Electronic Health Record (EHR) Incentive Programs. The final rule’s provisions apply from 2015 through 2017, as well as in Stage 3 of the EHR Incentive Programs in 2018 and beyond.

There are two objectives in the final rule for EHR Incentive Programs in 2015 through 2017 that require providers to have broadband access; Objective 8 – Patient Electronic Access and Objective 9 (EPs only) – Secure Messaging. CMS offers exclusions and hardship exceptions for providers who face barriers in meeting meaningful use objectives that require broadband access and Internet connectivity for their locations and patients.

### Exclusions

The second measure for Objective 8 - Patient Electronic Access for [eligible professionals](#) and [eligible hospitals/CAHs](#), and the [Objective 9 - Secure Messaging](#) measure for eligible professionals, each require that patients access health information electronically.

CMS recognizes that some patient populations face greater challenges in accessing health information online. To address these barriers, CMS included the following broadband access exclusions:

Broadband Access Exclusions	
<b>Patient Electronic Access</b>	<p><b><u>Eligible Hospitals and CAHs</u></b>  <b>Measure 2 Exclusion:</b> Any eligible hospital or CAH that is located in a county where 50 percent or more of its housing units do not have 4Mbps broadband availability on the first day of the EHR reporting period, according to the latest information available from the FCC.</p> <p><b><u>Eligible Professionals</u></b>  <b>Measure 2 Exclusion:</b> Any EP who conducts 50 percent or more of his or her patient encounters in a county where 50 percent or more of its housing units do not have 4Mbps broadband availability on the first day of the EHR reporting period, according to the latest information available from the FCC.</p>

Broadband Access Exclusions	
<b>Secure Messaging</b>	<p><b>Eligible Professionals</b></p> <p><b>Exclusion:</b> Any EP who has no office visits during the EHR reporting period, or any EP who conducts 50 percent or more of his or her patient encounters in a county where 50 percent or more of its housing units do not have 4Mbps broadband availability on the first day of the EHR reporting period, according to the latest information available from the FCC.</p>

## Qualifying Counties

To assist providers in efficiently finding information pertaining to the broadband download speed in their respective county, we are providing the states and associated counties which do not have the 4 Mbps of Broadband download speed, and therefore qualify for the broadband access exclusion:

Counties that Qualify for the Broadband Access Exclusion*		
STATE	COUNTY CODE	COUNTY NAME
Alaska (AK)	013	Aleutians East Borough
Alaska (AK)	016	Aleutians West Census Area
Alaska (AK)	282	Yakutat City and Borough
Idaho (ID)	025	Camas County
Texas (TX)	301	Loving County
Utah (UT)	009	Daggett County

\*Source: Broadband Deployment Data from FCC Form 477, as of December 31, 2014.

<https://www.fcc.gov/general/broadband-deployment-data-fcc-form-477>, last accessed January 11, 2016.

Providers can also use the [FCC's National Broadband Map](#) to search, analyze, and map broadband availability in their area.