

Attestation Process Now Open for Federal Incentive Funds

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On April 18, 2011, the Centers for Medicare & Medicaid Services (CMS) launched the attestation process for the Medicare Electronic Health Records (EHR) Incentive Program, a key milestone in the path toward receipt of federal incentive funds for the adoption of EHR technology. This is the first year for participation in the Medicare EHR Incentive Program, and later this year incentives are also expected to be available under the Medicaid EHR Incentive Program. Using federal funds dedicated under the American Recovery and Reinvestment Act of 2009, the two incentive programs will be making up to \$27 Billion available to those that have achieved and can successfully demonstrate meaningful use of EHR technology.

The attestation process is the means to demonstrate compliance and apply for the initial year's incentive payment. In order to participate, you must be an eligible professional or eligible hospital as set forth in the rules of the programs, must have registered through the CMS System and must utilize a certified EHR product. It is not enough to merely have implemented EHR technology; rather, eligible practitioners must have achieved "meaningful use" in a manner which is quantifiable based on the objectives outlined for the program. For those that successfully attest to their meaningful use under the Medicare EHR Incentive Program, payment of the initial year incentive will be made in approximately four to six weeks, provided that the eligible professional had met the \$24,000 threshold in allowed charges.

Eligible professionals can receive up to \$44,000 of Medicare EHR incentives, paid out over five consecutive years through 2016. But participation must begin by 2012 to recover total potential incentive payments. Also, commencing in 2015, for those Medicare eligible professionals that do not successfully demonstrate meaningful use, their Medicare reimbursement will be subject to payment adjustment. Therefore, it is in the practice's best interest to investigate certified EHR technologies as soon as possible so meaningful use can be demonstrated in time to achieve maximum incentive payments and to avoid penalty.

Funds are also available under the Medicaid EHR Incentive Program, although the process has not yet been launched for New Jersey. There are different categories eligible participants for the Medicare and Medicaid programs, but those eligible for both may not participate in both incentives programs for the same year. If they meet requirements of both programs, they must elect one or the other program, and after payment has been made, they may only switch programs once before 2015. The maximum funds which will be available under the Medicaid EHR Incentive Program are \$63,750 over six years, although not necessarily consecutive.

Electronic health records can improve care by enabling functions not available in paper records, but EHRs are more than just a digitalized form of paper records. Rather, the goal of the certification process and the "meaningful use" criteria is to have informa-

tion standardized and structured in the uniform way so as to promote greater quality control, exchange of information, improved privacy and security. CMS representatives are sponsoring programs and have launched videos in order to give more information on meaningful use, and the CMS website is offering a "Meaning-

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ful Use Attestation Calculator" which is designed to help eligible professionals and hospitals determine whether they meet all requisite meaningful use objectives and measures before going through the attestation process. The certification process is administered by the Office of the National Coordinator for Health Information Technology - Authorized Testing and Certification Body. By using a certified EHR technology, healthcare providers can have assurance that the system being implemented is technically capable of supporting their efforts to achieve meaningful use. Support is also available at NJ-HITEC, New Jersey's Regional Extension Center at New Jersey Institute of Technology, one of the Regional Extension Centers formed after the federal enactment of the Health Information Technology for Economic and Clinical Health Act (HITECH) to support providers in adopting EHRs.

For those practices which have already implemented EHR systems, the opening of the attestation stage is the signal that the federal funds are now available. This is a call to action for eligible professionals to take advantage of the opportunity to recoup some of the costs spent in acquiring the technology. The attestation should also be seen as a wake up call for those practices who have not yet addressed technology matters. Successful EHR adoption does not come overnight, and challenges must be overcome in order to achieve successful implementation, particularly in small practices with limited resources to dedicate to standardization of systems and identification, acquisition and implementation of technologies. Through educational resources, practices can assess their office procedures and workflows to help identify appropriate technical solutions to meet their needs. Once a certified EHR provider has been identified, the contracts presented by the EHR vendor should be subject to legal review to protect the practice's interests and to negotiate appropriate licenses, maintenance and support terms to ensure that the practice can achieve maximum benefit from its IT investment. Then, once the implementation has taken place and the meaningful use objectives are achieved, the federal incentive payments can be a well-deserved reward for entering the new age of electronic records.