

Part B Insider (Multispecialty) Coding Alert

EHR INCENTIVE PROGRAM: Non-Physician Providers Aren't Considered 'Eligible Professionals' in Medicare EHR Incentive Program

But non-physicians may be able to collect incentive payments from Medicaid.

CMS reps want to make sure you optimize your chances of collecting from the electronic health record (EHR) incentive program, which could net an eligible professional (EP) \$44,000 over a five-year period.

The agency's proposal regarding the incentive program spells out who can participate, and what type of EHR you'll have to use, according to a Feb. 21 CMS-sponsored Physicians, Nurses, and Allied Health Professionals Open Door Forum.

You should know: Now that CMS has proposed a definition of who qualifies as a "meaningful user," the agency has started using the acronym "MU" to refer to meaningful use, noted **Charlotte Newman**, director of the national Medicare training program with CMS's Office of External Affairs, during the call.

EHR system: You may want to hold off on shopping for your EHR at this point.

"In order to receive an incentive for your meaningful use of a certified EHR, there will need to be EHRs that are certified," said **Elizabeth Holland**, the HITECH team lead in the office of E-Health Standards and Services at CMS, during the call.

"As of today, there are no EHRs that have been certified for the CMS incentive program," Holland said. "We will be able to provide you with a list of those EHRs at a later date, yet to be determined."

One caller noted that her practice is eager to buy a certified EHR system to get it into place, and asked when she might have access to the standards that the EHR vendors must meet.

The CMS representative indicated that the standards are available for viewing in the interim final rule that was issued on Jan. 13, 2010, but that the standards published are still under comment period.

Who is An EP?

You are considered a Medicare EP if you fit into one of these categories, Holland said:

- Doctor of medicine or osteopathy
- Doctor of dental surgery or dental medicine
- Doctor of podiatric medicine
- Doctor of optometry, or
- Chiropractor Although Medicaid incentive payments are available for some other providers (such as nurse practitioners and certified nurse midwives who meet all of the criteria), those providers are not considered EPs under Medicare's incentive program.

"One of the most controversial provisions in this notice of proposed rulemaking is the hospital-based eligible professionals one," Holland said. "Essentially in the proposal we determined the definition for hospital-based. These EPs will not qualify for Medicare EHR incentive payments, and most will also not qualify for Medicaid as well."

CMS defined hospital-based EPs as those who furnish 90 percent or more of their services in a hospital settings (the

inpatient/outpatient or emergency room), "and that is determined by the place of service codes on the claim," Holland said.

Privacy: Practices concerned about confidentiality should note that information contained in EHRs is subject to the same HIPAA requirements as other personal health information, Holland indicated.

Non-par practices: Practices that are considered non-participating in Medicare still face the same criteria and eligibility factors for the incentive program as those that do participate.

"It's based on your allowed charges to Medicare, it's not influenced by whether you participate in Medicare or not," the CMS rep. responded.

You can get the slide presentation from the Open Door Forum by visiting www.cms.hhs.gov/nationalmedicaretrainingprogram.

If you'd like to comment on the proposal, visit www.regulations.gov and type in the code "cms0033-p." Click on "Medicare and Medicaid Programs: Electronic Health Record Incentive Program," for which comments are due by March 15.