

2010 Data Protection Seminar

TMA Privacy Office



“Meaningful Use” in Electronic Health Record Technology



HEALTH AFFAIRS



TRICARE
Management Activity

“Meaningful Use” in Electronic Health Record Technology

Purpose

Provide a high-level overview of recently introduced “meaningful use” criteria, objectives, incentives, and technical specifications for electronic health record (EHR) technology, with emphasis on privacy provisions



HEALTH AFFAIRS



“Meaningful Use” in Electronic Health Record Technology

Objectives

- Upon completion of this presentation, you should be able to:
 - Describe the significance and purpose of “meaningful use” for EHR technology
 - Explain the timeline for introducing meaningful use criteria
 - Explain the incentives program and who is eligible for payments
 - Describe the Military Health System (MHS) position on meaningful use and the companion Interim Final Rule (IFR) both in general and with reference to privacy provisions



“Meaningful Use” in Electronic Health Record Technology

Background: HITECH

- Health Information Technology for Economic and Clinical Health (HITECH) Act of the American Recovery and Reinvestment Act (ARRA) of 2009 enacted the following:
 - Develop certification standards by 2010 for nationwide electronic exchange and use of health information
 - Invest \$20 billion in health information technology (HIT), and use Medicare and Medicaid incentives to encourage use of EHRs
 - Promote savings through better coordination
 - Strengthen federal privacy and security protections for health information as HIT is expanded
 - Create voluntary certification process for HIT products



HEALTH AFFAIRS



“Meaningful Use” in Electronic Health Record Technology

HIPAA and Meaningful Use

- Embedded in the ARRA incentive program is an expansion of the Health Insurance Portability and Accountability Act (HIPAA) Privacy and Security Rules to focus on meaningful use:
 - Using technology, including but not limited to EHRs, to achieve better health care through the exchange and use of health information to make better clinical decisions at the point of care
- Compliance with HIPAA Privacy and Security Rules is required for all covered entities, whether or not they participate in EHR incentive programs



HEALTH AFFAIRS



“Meaningful Use” in Electronic Health Record Technology

Policy Goals for Meaningful Use

- Improve quality, safety, efficiency, and reduce disparities in care
- Engage patients and their families
- Improve care coordination
- Improve public health
- Ensure privacy and security
 - Safeguard personal health information via operating policies, procedures, technologies, and compliance with applicable law
 - Provide transparency of data sharing to patient



“Meaningful Use” in Electronic Health Record Technology

Meaningful Use Program

- On January 13, 2010, two documents were issued creating the basis for the meaningful use program:
 - Centers for Medicare and Medicaid Services (CMS) published a Notice of Proposed Rulemaking (NPRM) on the “meaningful use” of certified EHR technology to qualify for incentive payments (User specifications/criteria, Stages 1 – 3)
 - The Office of the National Coordinator for Health Information Technology (ONC) published a companion IFR describing the EHR certification criteria or standards (Technical specifications to support Stage 1 criteria)



“Meaningful Use” in Electronic Health Record Technology

Meaningful Use Criteria

- Stage 1 begins in 2011: Focus on electronic capture and sharing of data; reporting of clinical quality measures and public health information
- Stage 2 begins in 2013: Expand meaningful use criteria to advanced care processes with decision support
- Stage 3 begins in 2015: Focus on improved outcomes in quality, safety, and efficiency; decision support for national high priority conditions



“Meaningful Use” in Electronic Health Record Technology

EHR Incentives Program

- In addition to objectives and a timeline for meaningful use, the NPRM sets forth:
 - What initial criteria an Eligible Professional (EP) and Eligible Hospital (EH) must meet in order to qualify for incentive payments
 - Eligibility tied to Medicare/Medicaid reimbursement
 - MHS does not receive such reimbursement, therefore does not qualify for EHR incentives
 - Incentive payment amounts
 - Payment “adjustments” for EPs and EHs that fail to meaningfully use certified EHR technology



“Meaningful Use” in Electronic Health Record Technology

EHR Incentives and MHS

- MHS is not a candidate for the EHR Incentives Program, but it is working to achieve meaningful use objectives
- MHS is able to meet most of the proposed Stage 1 criteria for meaningful use of EHR technology with some exceptions
 - Example of one exception: MHS cannot meet the objective for providing, within 48 hours, at least 80% of all patients who request it, an electronic copy of their health information



“Meaningful Use” in Electronic Health Record Technology

Main Provisions of the IFR

- The companion IFR established technical specifications to support Stage 1 criteria for EHR meaningful use, such as:
 - Vocabulary: Defines standardized nomenclatures and data sets
 - Content Exchange: Describes the standards used to exchange clinical information
 - Transport: Establishes a common, secure communication protocol between systems
 - Privacy and Security: Proposes mechanisms for authentication, access control, and secure transmission



“Meaningful Use” in Electronic Health Record Technology

MHS Comments on IFR

- MHS supported the IFR Initial Set of Standards, Specifications, and Certification Criteria, but made several recommendations including:
 - Aligning more closely to HIPAA Privacy Rule requirements for individual rights to an accounting of disclosed information
 - Establishing a methodology for labeling or tagging protected health information for which an individual seeks restricted disclosure
 - Clarifying how users will provide patients with online access to their clinical information
- MHS can meet most of the IFR EHR Certification Criteria with some exceptions



“Meaningful Use” in Electronic Health Record Technology

Summary

- You should now be able to:
 - Describe the significance and purpose of “meaningful use” for EHR technology
 - Explain the timeline for introducing meaningful use criteria
 - Explain the incentives program and who is eligible for payments
 - Describe the MHS position on meaningful use and the companion IFR both in general and with reference to privacy provisions



“Meaningful Use” in Electronic Health Record Technology

Resources

- For a copy of the Notice of Proposed Rule Making see:
<http://edocket.access.gpo.gov/2010/E9-31217.htm>
- For a copy of the Interim Final Rule, see:
<http://edocket.access.gpo.gov/2010/E9-31216.htm>
- For information on meaningful use, see:
<http://healthit.hhs.gov/portal/server.pt?open=512&objID=1325&parentname=CommunityPage&parentid=1&mode=2>
- To subscribe to the TMA Privacy Office E-News, go to:
<http://www.tricare.mil/tma/privacy/maillinglist.aspx>
- E-mail Privacymail@tma.osd.mil for subject matter questions



HEALTH AFFAIRS

