

### Bill summary

Electronic Health Records Improvement Act - Amends title XVIII (Medicare) of the Social Security Act to exempt certain eligible physicians in solo practice and physicians near early retirement age from the application of the Medicare payment adjustment for not demonstrating electronic health record (EHR) meaningful use for certain payment years. Establishes a special rebate for eligible professionals who receive a negative adjustment to their payments for failure to establish an EHR process but subsequently do establish a process meeting the criteria for establishing meaningful use of certified EHR technology.

Creates specified additional exceptions to the application of the Medicare negative payment adjustment for certain Medicaid providers participating in the Medicaid EHR incentive program and hospital-based eligible professionals not demonstrating EHR meaningful use.

Adds as a criterion for meaningful EHR user that an eligible professional satisfactorily uses a qualified national specialty registry system that measures quality improvement or improves patient safety.

Directs the Secretary to specify criteria for determining: (1) if a national specialty registry system is qualified under this Act, and (2) if an eligible professional has demonstrated satisfactory use of such a system for a period.

Extends: (1) Medicare EHR incentives (increased payments and adjustments) to eligible professionals practicing in rural health clinics, and (2) Medicare Electronic Prescribing (ERx) and quality reporting incentives to rural health clinics. Disqualifies claims for items or services furnished by an eligible professional at an ambulatory surgical center during performance years for the 2015, 2016, or 2017 payment determinations from inclusion in data used to determine if the eligible professional is a meaningful EHR user.

Exempts certain eligible professionals from certain EHR meaningful use requirements for purposes of the Medicare payment adjustment.

Creates a process for eligible professionals to appeal a determination that they did not qualify as a meaningful EHR user.

Amends SSA title XIX (Medicaid) to make certain requirements of this Act inapplicable to eligible professional Medicaid provider incentives to encourage the adoption and use of certified EHR technology.

### Importance and relevance to the ASC industry

This importance piece of legislation would bring ASCs in to the electronic health records and meaningful use fold. Surgery centers were excluded from the HITECH Act and do not currently receive incentive payments for the purchase and implementation of electronic health records. Additionally, there are no meaningful use standards for surgery center EHRs. Surgery centers may see negative impacts resulting from physicians meeting their 50% meaningful use patient encounter threshold in other settings. Surgery centers are also at risk of being left out of EHR

interoperability between health care providers.

### Original sponsor and co-sponsors

U.S. Representative Diane Black (R-TN) is the bill's original sponsor and the bill currently has [23 co-sponsors](#) in the House.