



## What is the Health Information Technology for Clinical and Economic Health (HITECH) Act?

The HITECH Act is a subset of the American Recovery and Reinvestment Act of 2009. Its purpose is to increase the use of Electronic Health Records (EHR) by physicians and hospitals, and attaches financial incentives for doing so.

## How are funds for the HITECH Act allocated?

The majority of funds are being allocated through Medicare and Medicaid reimbursement systems for hospitals and physicians who are “meaningful users” of EHR systems.

Other funds are available for various research, repair, and integration activities. More details are available on the United States House of Representatives website at [www.waysandmeans.house.gov/media/pdf/110/hit2.pdf](http://www.waysandmeans.house.gov/media/pdf/110/hit2.pdf).

## What does the term “meaningful users” mean?

Meaningful users are those who not only implement technology for patient care, but also exchange health information with other constituents to best inform clinical decisions.

## When will Centers for Medicare and Medicaid Services (CMS) offer incentives to eligible professionals and hospitals for using certified EHRs?

By law, the earliest dates that CMS will be able to pay an incentive under Medicare is October 1, 2010; for hospitals; and January 1, 2011 for eligible professionals.

The statute does not define a date for the Medicaid incentives program for each state. However, individual states must undergo significant planning to offer such incentives. CMS expects late 2011 as the earliest date, given the amount of scoping and coordination that must be done prior to issuing payments.

Currently, work is underway to define meaningful EHR user criteria and program requirements; CMS will be issuing a proposed set of guidelines and procedures.

## Impact of the HITECH Act on HIPAA

The passing of the HITECH Act of 2009 mandates additional guidelines for the Health Insurance Portability and Accountability Act (HIPAA):

- Financial incentives will be replaced with penalties after 2015 for non-compliance with HITECH and HIPAA regulations.
- HIPAA privacy and security requirements are extended to include business associates of covered entities.
- HIPAA privacy and security requirements are augmented such that patients MUST be notified of any unauthorized acquisition, access, use, or disclosure of their unsecured personal health information (PHI) that compromises the privacy or security of such information.
- HIPAA requirements around security are increased such that the protection of personal health information (PHI) must use NIST approved cryptographic primitives. Encryption and hashing must be used, protecting data at rest and in transit.
- Finally, HIPAA and HITRUST mandate that patients managed with an EHR system must be able to access this information electronically.

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