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## **Don't Delay - Relaxed EHR Meaningful Use Final Rule Just Out!**

The Department of Health and Human Services and the Office of the National Coordinator for Health Information Technology just released their long-awaited "meaningful use" final regulations yesterday, July 13. These final regulations fortunately contain less demanding and more flexible requirements (as compared to the proposed requirements published in January) for physicians and hospital providers to qualify for the initial round of financial incentives to be used to adopt, fully implement, and meaningfully use electronic health records (EHR).

Signed into law by President Obama on February 17, 2009, the HITECH Act authorizes a reimbursement incentive for physicians and hospitals who are considered to be meaningful users by meeting certain targets related to EHR use. Up to \$27 billion in incentive payments (ranging from \$44,000 to \$64,000 per physician over 5 years) will become available for 10 years starting in 2011, with a gradual phase down before providers who do not use EHR will begin to be penalized in 2015. This final rule applies to years 2011 to 2012 (the first 2 years), while additional regulations providing for other incentives will be issued in 2013 and 2015.

For additional information, do not hesitate to contact members of our [HIPAA Practice Group](#) to discuss the necessary steps for taking advantage of these financial incentives for the adoption of EHR.

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*The opinions expressed in this bulletin are intended for general guidance only. They are not intended as recommendations for specific situations. As always, readers should consult a qualified attorney for specific legal guidance. Should you need assistance from a Miller & Martin attorney, please call 1-800-275-7303.*

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