



HIMSS Fact Sheet:

**Ensuring Equality for Early EHR Adoption Act of 2010, H.R. 6005:
Legislation in the 111th Congress**

August 2010

Current Law

The Health Information Technology for Economic and Clinical Health (HITECH) Act in the American Recovery and Reinvestment Act of 2009 (ARRA) will provide electronic health record (EHR) incentive payments to eligible providers serving Medicare and Medicaid beneficiaries as long as they meet criteria for meaningful use of EHR. Under the Office of the National Coordinator for Health Information Technology (ONC) final rule on Standards and Certification for EHR Incentives Program only providers using EHRs certified under a new federal certification process can qualify for incentive payments.

Overview of H.R. 6005

The Ensuring Equality for Early EHR Adoption Act of 2010, H.R. 6005, aims to provide for the temporary treatment of certain electronic health records as certified EHR technology for the purposes of health information technology (IT) payment incentives under the Medicare and Medicaid Programs. The legislation was introduced by U.S. Representative Michael Burgess (R-TX) on July 30, 2010 and is co-sponsored by Marsha Blackburn (R-TN) and Cliff Stearns (R-FL). As of July 30, 2010, the legislation resides within the House Ways and Means Committee and House Energy and Commerce Committee.

Specifically, the legislation amends the definition of certified EHR technology in the Medicare and Medicaid sections of HITECH, specifying that “for payment years 2011 and 2012, such term (certified EHR technology) includes an EHR that is not certified”. Thus, the legislation make available incentive payments to early adopters of EHR technology, whose EHR systems enable the demonstration of meaningful use for an EHR reporting period for the payment years 2011 and 2012 but are not yet certified by ONC.

Closing Remarks

HIMSS will continue to monitor this piece of legislation for any changes and movement during the course of the 111th Congress. Questions on this fact sheet should be addressed to the HIMSS Government Relations Team at advocacy@himss.org. For more information read the [full text](#) and visit HIMSS’ [Legislative Action Center](#).