**Brief Facts on the HHS Certification Process**

**Legislative Requirement** – Section 3001(c)(5) of the Public Health Service Act (PHSA) as added by the Health Information Technology for Economic and Clinical Health (HITECH) Provisions of the American Recovery and Reinvestment Act grants the National Coordinator for Health Information Technology (the National Coordinator) the authority to establish a Certification Process to accompany the Medicare and Medicaid Electronic Health Record Incentive Programs.

**Intention of the Proposed Rule:** Certification of EHR Technology will provide assurance to purchasers and other users of health IT that an EHR system offers the necessary technological capability, functionality, and security to meet meaningful use criteria.

As outlined in ARRA, the NPRM establishes steps for a) organizations to be authorized by ONC as certifying bodies and b) EHR technology companies to get their products certified against Meaningful Use criteria.

**Temporary and Permanent Certification Processes:** The NPRM establishes a two-pronged approach for the Certification program.

**Temporary Certification Process:** Designed to provide a temporary solution to assist eligible professionals and eligible hospitals in achieving Meaningful Use at the start of the programs. The National Coordinator will authorize organizations to test and certify Complete EHRs and/or EHR Modules, thereby assuring the availability of Certified EHR Technology prior to the reporting period in which health care providers may seek the incentive payments available under the Medicare and Medicaid EHR Incentives Program demonstrating meaningful use of Certified EHR Technology.

ONC has indicated that the Temporary program will end when the permanent certification program is established and at least one certification body has been authorized by the National Coordinator. The first proposal within the NPRM would.

Response Date: April 9, 2010

**Permanent Certification Process:** A more complex and will allow 60 days for public comment. The structure is expected to separate the responsibilities for testing and certification; introduce accreditation requirements; establish requirements for certification bodies authorized by the National Coordinator related to the surveillance of Certified EHR Technology; and explore the potential for certification bodies authorized by the National Coordinator to certify other types of health besides Complete EHRs and EHR Modules. NPRM establishing 2 programs.
The permanent certification program would separate the responsibilities for performing testing and certification, introduce accreditation requirements, establish requirements for certification bodies authorized by the National Coordinator to related to the surveillance of Certified EHR Technology, and would include the potential for certification bodies authorized by the National Coordinator to certify other types of health besides Complete EHRs and EHR Modules.

- While two certification programs are described in this proposed rule, ONC anticipates issuing separate final rules for each of the programs.

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**National Institute for Standards and Technology Role** – NIST is developing a test method and infrastructure that will be used by testing laboratories in the testing component of both certification programs.