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Summer 2009

## **HITECH Provisions in the American Recovery and Reinvestment Act**

President Obama signed the **American Recovery and Reinvestment Act (ARRA)** into law on February 17<sup>th</sup>, 2009. Among the provisions, is the **Health Information Technology for Economic and Clinical Health Act (HITECH)** that includes nearly \$20 billion dollars for states and healthcare organizations to use toward implementing **Electronic Health Records (EHR)**. Three main components of HITECH are (1) Defining and Declaring EHR Standards; (2) Incentives and Penalties for Compliance; (3) Expansion of HIPAA.

**Defining and Declaring EHR Standards:** HITECH sets new standards for EHR programs and reporting aimed at improving the efficiency of the healthcare system by **streamlining the flow of information** between related parties. Healthcare organizations will need to assess the IT governance program effectiveness to prepare, develop, implement and test the changes required by HITECH. The specifics of the EHR standards remain unclear, but **HITECH requires that the Department of Health and Human Services (HHS) adopt an initial set of standards by December 31<sup>st</sup>, 2009.**

**Incentives and Penalties for Compliance:** HITECH's primary instrument for encouraging the adoption of EHR systems is through the use of incentives to healthcare providers that will be made through the Medicare and Medicaid programs. There are numerous factors that qualify providers for incentives, but the major determining criteria are that recipients be able to demonstrate "meaningful use" of an EHR. "Meaningful use" is not yet defined, although the general outline is expected to include (1) use of **e-prescribing** [more details in next article]; (2) EHRs are actively shared via a certified EHR program; and, (3) certain performance data is being reported to the HHS. **Currently, incentives and penalties are Medicare and Medicaid related, which, by definition, may result in many private practice, fee-for-service dental practices being ineligible for incentives. Incentive programs begin in 2011 and continue until 2015, and then the penalties for noncompliance begin.**

**Expansion of HIPAA:** HITECH provisions address significant expansions of the purview and oversight of HIPAA requirements. (1) Business Associates will now be **required to independently comply with HIPAA requirements** in the same way that Covered Entities do, meaning they will have to develop and maintain their own HIPAA policy; (2) HHS is required to issue guidance on exactly what and how personal data should be secured; (3) Requirements for how personal health data may or may not be used, shared or made available to different groups for various reasons; and (4) New tiered penalty structures for violations to HIPAA or the HITECH requirements, with especially **harsh fines for those found to be willfully negligent.**

The ARRA has made EHRs a priority for our nation's healthcare system. **Because they are considered healthcare providers as defined by section 1861 (r) of the Social Security code, dentists, too, will be impacted by these changes.** The best approach at this time is to stay informed and **watch for the release of the standards developed by HHS at the end of the year.**

## E-Prescribing: An E-ventuality

Electronic prescribing, or “e-prescribing” is the computer-based electronic generation, transmission and filling of a prescription, **taking the place of paper and faxed prescriptions** and is a key component of EHRs. E-prescribing **allows prescribers to electronically transfer a new prescription or renewal authorization** to a community or mail-order pharmacy and encompasses clinical decision support to aid in safer, more informed prescribing. E-prescribing is an **important step in improving patient care** with access to information on drug-drug interactions, patient medication history, drug-allergy interactions, pharmacy eligibility, formulary and benefits information. Compared to paper-based prescribing, **e-prescribing can enhance patient safety and medication compliance, improve prescribing accuracy and efficiency, and reduce healthcare costs though averted adverse drug events and substitution of less expensive drug alternatives.**

Currently listed as **accepting e-prescriptions in our area** are the following pharmacies: A-1 Discount, Albertsons, C and F, Central Rexall Drugs, CVS, Kmart, Mannino’s, Medi Thrift, Medicine Shoppe, Rite Aid, Sam’s Club, Target, Thrift Town, Wal-mart, Walgreens, and Winn Dixie.

For more information, or to enroll, visit [www.getRxconnected.com](http://www.getRxconnected.com) or [www.nationaleRx.com](http://www.nationaleRx.com).

## Red Flag Rule Deadline Postponed Until August 1<sup>st</sup>, 2009

The **Federal Trade Commission has issued a 90-day delay** in the enforcement of its Red Flags Rule, which would have gone into effect May 1. The Red Flags Rule requires financial institutions and creditors to develop a written plan to prevent and detect identity theft. **This delay will give the ADA more time to challenge its applicability to small health care providers such as dentists.** Stay tuned...

## Patient Education Tool for Implants

Enclosed is a handy **full-color tool** to help answer questions that your patients may have about implants. While you know all about implant dentistry, effectively conveying that information to patients can sometimes be a challenge. We hope that this tool will help **enhance understanding** and help you bring a new smile to your patient’s faces!

## Revised HIPAA Privacy Form from the ADA

The ADA website has a **downloadable revamped HIPAA “Notice of Privacy Practices” (NPP)** that you should check out. If you have had your existing NPP for a while, **you probably need to update.** The ADA’s form can be copied into an MS Word document and customized for your practice. Visit [www.ada.org/goto/HIPAA](http://www.ada.org/goto/HIPAA) or call 312-440-2500 x 4608 to obtain their updated NPP form.

**It is our pleasure to work in partnership with you and your patients. Our success can be measure by your success. If we can be of clinical or administrative assistance, please do not hesitate to call.**

**Best wishes for a fun and safe summer,**

*Catherine A. Helbert, DDS*