



## ATTENTION PRISON AND JAIL ADMINISTRATORS RE: CORRECTIONS HEALTH

### HOW YOUR AGENCY CAN RECEIVE FINANCIAL INCENTIVES FOR USING ELECTRONIC HEALTH RECORDS

The 2009 Recovery Act included an Electronic Health Record (EHR) Incentive Program known as the HITECH Act<sup>i</sup>. Put simply, the HITECH Act incentivizes hospitals and providers to meaningfully use electronic health records for Medicaid and Medicare patients. In the Medicaid program, an eligible provider (MD, DO, Nurse Practitioner, Certified Nurse Midwife, Dentist, and Physician Assistant, if in a Federally Qualified Health Center led by a Physician Assistant) whose patient volume consists of at least 30 percent Medicaid patients **AND** use a certified electronic health record<sup>ii</sup> is eligible for the incentive payments which, in Medicaid, can reach \$63,750 per provider over 6 years (\$21,250 the 1<sup>st</sup> year, \$8,500 each subsequent year for 5 years). The incentive payment is made to the provider, although the provider may assign the payment to his/her employer pursuant to any existing contractual arrangements.

Previously, providers who practiced in prisons and jails were not eligible to receive incentive payments because eligibility requirements stated that demonstrating a Medicaid patient volume of 30 percent needed those encounters to be ***paid*** encounters. Per Section 1905 of the Social Security Act, Medicaid cannot pay for medical services in correctional institutions. In August 2012, a new regulation was published, Meaningful Use Stage 2<sup>iii</sup> and the requirement is now that providers need to have 30 percent of their encounters be with Medicaid ***enrolled*** patients, as opposed to paid encounters.

**This small change means that providers who are seeing Medicaid enrolled inmates in prisons and jails can now count those patients towards their patient volume and may be eligible for the incentive payments. If the correctional facility is in a state that currently provides Medicaid services to childless adults or that has chosen to expand Medicaid coverage under the Affordable Care Act in 2014 and the state “suspends” Medicaid eligibility rather than terminates when the person is incarcerated, it is possible that there could be a significant number of prison and jail health care providers who would be eligible to receive the EHR incentive payment. The eligibility of female inmates with children should also be reviewed.**

A list of electronic health records that meet the criteria described by the Office of the National Coordinator for Health IT to be eligible for the incentive program (these are known colloquially as the “Meaningful Use” standards for Health IT) can be found online though [www.healthit.gov](http://www.healthit.gov)<sup>iv</sup>. Note that if a correctional health provider’s EHR is not on this list, it does not necessarily mean the EHR vendor is not aware of the program. They may still have their Meaningful Use compliant version of their EHR in testing (or this information will compel them to make their EHR compliant with the Meaningful Use standards). Please contact your current EHR vendor to discuss.

For more information about program eligibility, please contact your state Medicaid agency and visit [www.healthit.gov](http://www.healthit.gov) and [www.cms.gov/ehrincentiveprograms](http://www.cms.gov/ehrincentiveprograms).

---

<sup>i</sup> <http://www.cms.gov/ehrincentiveprograms>

<sup>ii</sup> <http://www.healthit.gov/policy-researchers-implementers/about-certification>

<sup>iii</sup> <http://www.gpo.gov/fdsys/pkg/FR-2012-09-04/pdf/2012-21050.pdf>

<sup>iv</sup> <http://oncchpl.force.com/ehrcert?q=CHPL>