



Medicare Advantage Electronic Health Record (EHR) Incentive Program

Frequently Asked Questions

1. What is a qualifying Medicare Advantage Organization (MAO) for the EHR Incentive Program?

An MAO that is organized as a health maintenance organization (HMO) as defined in section 2791(b)(3) of the Public Health Service (PHS) Act. This includes a federally qualified HMO, an organization recognized as an HMO under State law, or a similar organization regulated for solvency under State law in the same manner and to the same extent as an HMO.

2. What is a qualifying Medicare Advantage (MA) affiliated eligible hospital for the EHR Incentive Program?

Hospitals(1) that are “subsection (d) hospitals”; (2) that are under common corporate governance with a qualifying MAO; (3) where more than two-thirds of the Medicare hospital's discharges (or bed-days) are of (or for) Medicare individuals enrolled under MA plans; and (4) which meets the definition in our regulations of being a meaningful user of certified EHR technology. A hospital that has one-third of Medicare bed-days for the year covered under Part A (rather than Part C) cannot receive MA EHR incentives.

3. Who is a qualifying MA eligible professional (MA-EP) for the EHR Incentive Program?

An MA-EP is a physician employed by a qualifying MAO; or a physician that is employed by, or a partner of, an entity that through contract with the qualifying MAO furnishes at least 80 percent of the entity's Medicare patient care services to enrollees of the qualifying MAO. Additionally, the EP must furnish at least 80 percent of his or her professional services covered under Medicare to enrollees of the qualifying MAO and must furnish, on average, at least 20 hours per week of patient care services to enrollees of the qualifying MAO during the EHR reporting period. Finally, the EP must be a meaningful EHR user and cannot be hospital-based, as those terms are defined in our regulations.

4. I'm a physician and think I am entitled to an MA-EP EHR Incentive Program payment. Who do I call?

Only qualifying MAOs are entitled to MA-EP EHR incentive payments. If you believe that your work for a qualifying MAO would entitle that MAO to an EHR incentive payment, please contact your qualifying MAO to discuss the matter.

5. We think we are a qualifying MAO but have questions after reading the regulation. Who should we call?

For additional information on the MA EHR Incentive Program please contact your Regional Office HITECH Point of Contact.

6. Can we add Original Medicare and MA allowed charges for covered professional services together to get a higher overall bonus?

No, only Medicare services provided by an MA EP for a single MAO can count toward MA EHR incentive payments. CMS does not have statutory authority to combine Original Medicare and Medicare Advantage EHR incentive payments or services. The statutory provision at section 1853(l)(3)(B) of the Act, as added by section 4101 of the HITECH act, entitled "avoiding duplication of payments," specifically prohibits CMS from making payments to EPs for both Original Medicare and Medicare Advantage services.

7. Can an IPA/Group or other entity get MA EHR incentive payments for MA EPs that work for the IPA/Group?

IPA contractors would generally not qualify for MA-EP payments because 80% of their Medicare patient care services would have to be for enrollees from a single qualifying MAO. Also, since group practices contract with several MAOs, it is also unlikely they would meet this requirement. In addition, under the MA EHR Incentive Program only a qualifying MAO is entitled to payment from CMS for meaningful use of certified EHR technology by the MA-EPs. This means the IPA/Group and the MA-EP cannot receive a payment, but rather only the qualifying MAO with which the MA-EP is associated can receive it.

8. Can §1876 Cost HMOs get MA-EP EHR incentive payments?

No, because §1876 Cost HMOs do not meet the definition of "a qualifying MAO" as defined in section 2791(b)(3) of the Public Health Service (PHS) Act. This includes only qualifying MAOs that are federally qualified as an HMO, a qualifying MAO recognized as an HMO under State law, or a similar qualifying MAO regulated for solvency under State law in the same manner and to the same extent as an HMO.

9. I qualify as an EP for both the Medicare and Medicare Advantage EHR Incentive programs. How does the EHR Incentive Program apply to me?

If an EP qualifies for both the Medicare and Medicare Advantage EHR Incentive Programs, the Medicare EHR incentive payment will be paid to the EP if he/she reaches the maximum amount under the Original Medicare program for that year. Otherwise, the qualifying MAO will receive a Medicare Advantage EHR incentive payment for the MA-EP, and such EP will not receive an Original Medicare EHR incentive payment.

10. I qualify as an EP for both the Medicaid and Medicare Advantage EHR Incentive programs. How does the EHR Incentive Program apply to me?

The law prohibits a qualifying MAO from receiving an EHR incentive payment for an EP that also registers under the Medicaid EHR Incentive Program. In this instance, the EP would receive the Medicaid EHR incentive payment, and the MAO would not receive an EHR incentive payment for such EP.

For more information, go to:
www.cms.gov/EHRIncentivePrograms

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