



Meaningful Use Requirements Pertaining to Advanced Diagnostic Imaging

The Health Information Technology for Economic and Clinical Health (HITECH) Act, became law as part of the American Recovery and Reinvestment Act of 2009 on February 17, 2009. It strives to promote the adoption and meaningful use of health information technology through incentives and penalties and creates a regulatory structure that defines requirements for certain providers to be “meaningful users” of “certified electronic records technologies.”

Set forth below is a short overview of the HITECH Act and a discussion of some of the key meaningful use requirements that relate to advanced diagnostic imaging services.

A. Overview of HITECH Act requirements for “meaningful use”:

The Medicare and Medicaid EHR Incentive Programs provide financial incentives for the “meaningful use” of certified EHR technology. To receive an EHR incentive payment, or avoid a penalty, providers have to show that they are “meaningfully using” their certified EHR technology by meeting certain measurement thresholds that range from recording patient information as structured data to exchanging summary care records.

The Programs include three stages with increasing requirements for participation. All providers begin participating by meeting the Stage 1 requirements for a 90-day period in their first year of meaningful use and a full year in their second year of meaningful use. After meeting the Stage 1 requirements, providers will then have to meet Stage 2 requirements for two full years. CMS has recently published a proposed rule for Stage 3 of meaningful use which focuses on promoting health information exchange and improved outcomes.

Eligible Professionals (EPs) participate in the program on the calendar years, while Eligible Hospitals (EHs) and Critical Access Hospitals (CAHs) participate according to the Federal fiscal year. The Stage 3 proposed rule proposes to change the EHR reporting period so that all providers would report under a full calendar year time frame.

B. Stage Two objectives relevant to advanced diagnostic imaging:

Stage 2 uses a core and menu structure for objectives that providers must achieve in order to demonstrate meaningful use. Core objectives are objectives that all providers must meet. There are also a number of menu objectives that providers must select from a list and meet in order to demonstrate meaningful use. Overall, EPs must meet 17 core objectives as well as three menu objectives selected from a list of six choices. EHs and CAHs must meet 16 core objectives as well as three menu objectives from a list of six options.

Several objectives are relevant to the electronic ordering of imaging services, the use of decision support tools, and the sharing of imaging results –

- **Use computerized provider order entry (CPOE) for medication, laboratory and radiology orders.** Under this *core* requirement, both EHs and EPs are required to ensure that more than 60% of medication, 30% of laboratory, and 30% of radiology orders created during the EHR reporting period are recorded using CPOE. CPOE is defined as the use of computer assistance to directly enter medical orders from a computer or mobile device. Electronic transmittal of the order is not a requirement.
- **Use clinical decision support to improve performance on high-priority health conditions.** Pursuant to this *core* requirement, EPs and EHs must implement five clinical decision support interventions related to four or more clinical quality measures, if applicable, at a relevant point in patient care for the entire EHR reporting period. This is in addition to requirements related to drug-drug and drug-allergy interaction checking. A few clinical quality measures (CQMs) have relevance to the ordering of imaging services (such as CMS 166 “Use of Imaging Studies for Low Back Pain”), but most are not relevant. In situations where CQMs are not relevant, providers may implement CDS interventions that they believe will improve delivery of care for high-priority health conditions relevant to their patients.
- **Make imaging results accessible through a Certified Electronic Health Record Technology (CEHRT).** This is an optional *menu* objective for both EPs and EHs. Under this requirement, more than 10% of all tests whose result is one or more images ordered during the EHR reporting period must be accessible through CEHRT. The images could either be stored in the EHR or provide a direct link in the EHR that takes the viewer to the image test results.

Additional information regarding these and other Stage 2 requirements can be found at the CMS Stage 2 webpage. https://www.cms.gov/Regulations-and-Guidance/Legislation/EHRIncentivePrograms/Stage_2.html

C. Stage Three Proposed Rule:

On April 10, 2015, the Centers for Medicare & Medicaid Services issued a new proposed rule for Stage 3 of the EHR Incentive Programs. The proposed rule simplifies the structure and reduces reporting requirements for providers participating in the program. Specifically, it replaces the existing core and menu objective approach with 8 advanced objectives, all of which must be met but each of which has some internal flexibility. The idea is to focus on core EHR objectives. The eight core measures address:

1. Protecting electronic health information
2. e-Prescribing
3. Clinical decision support
4. Computerized provider order entry
5. Patient electronic access to their data
6. Coordination of care through patient engagement

7. Health information exchange
8. Public health reporting

Four of the eight advanced measures are carryovers from core measures used in Stage 2, including the requirement to implement at least 5 CDS interventions tied to clinical quality measures or key high-priority health conditions, and the requirement to use Computerized Provider Order Entry (CPOE). However, the CPOE metric is proposed to be raised to requiring that more than 80% of medication, 60% of laboratory, and 60% of “diagnostic imaging” orders are recorded using CPOE.

The proposed regulations can be viewed at this link: https://www.cms.gov/Regulations-and-Guidance/Legislation/EHRIncentivePrograms/Downloads/Stage3_Rule.pdf