



### **Law In Brief: A Certified Electronic Health Record Under ARRA**

It appears that one of the legs of the new administration policy is the adoption of electronic health records.

Not later than December 31, 2009, the Secretary shall, through the rulemaking process consistent with subsection (a)(2)(A), adopt an initial set of standards, implementation specifications, and certification criteria for the areas required for consideration under section 3002(b)(2)(B). The rulemaking for the initial set of standards, implementation specifications, and certification criteria may be issued on an interim, final basis.

Not later than 90 days after the date of receipt of standards, implementation specifications, or certification criteria endorsed under section 3001(c): the Secretary, in consultation with representatives of other relevant Federal agencies, shall jointly review such standards, implementation specifications, or certification criteria and shall determine whether or not to propose adoption of such standards, implementation specifications, or certification criteria.

**Qualified Electronic Health Record Defined:** The term 'qualified electronic health record' means an electronic record of health-related information on an individual that--(A) includes patient demographic and clinical health information, such as medical history and problem lists; and (B) has the capacity-- (i) to provide clinical decision support; (ii) to support physician order entry; (iii) to capture and query information relevant to health care quality; and (iv) to exchange electronic health information with, and integrate such information from other sources."

**Certified Electronic Health Record Defined:** The term 'certified EHR technology' means a qualified electronic health record that is certified pursuant to section 3001(c)(5) as meeting standards adopted under section 3004 that are applicable to the type of record involved (as determined by the Secretary, such as an ambulatory electronic health record for office-based physicians or an inpatient hospital electronic health record for hospitals).