

Explanation of Changes Reflected in the Chairman's Amendment in the Nature of a Substitute

(Compared with H.R. 887, Electronic Health Fairness Act of 2015, as introduced)

February 26, 2015

The Chairman's amendment in the nature of a substitute modifies H.R. 887.

Page 2: Strike lines 1-24. The findings are expressed through the bill's subsequent provisions.

Page 3: Line 10. Add "for a payment year after 2015". This change modifies the language to establish a date by which Ambulatory Surgical Center (ASC) encounters are excluded from the determination of whether an eligible professional qualifies as an Electronic Health Record (EHR) meaningful user.

Line 16. Add "notwithstanding any other provision of law, the Secretary may implement this clause by program instruction or otherwise". This change provides the Secretary the ability to implement the exclusion of ASC encounters by the 2016 effective date.

Lines 18-21. Add "payment". Strike "certifies EHR technology for". Add "determines, through notice and comment rulemaking, that certified EHR technology is applicable to". These changes: clarify the timing of when the exclusion would be sunset; account for the fact that the process used by the Secretary does not certify EHR technology specifically for the practice setting as an ASC; and requires that the Secretary make the determination that certified EHR technology is applicable to the ASC practice setting in consultation with the public.