

SCRIPPS ACCOUNTABLE CARE ORGANIZATION, LLC	POLICY DATE May 1, 2024	SUPERSEDES POLICY DATED N/A
	APPROVED BY Scripps Accountable Care, LLC Management Board	
POLICY NAME: Certified Electronic Health Record Technology (“CEHRT”)		

I. DEFINITIONS

- A.** ACO participant. Means an entity identified by a Medicare-enrolled billing TIN through which one or more ACO providers/suppliers bill Medicare, that alone or together with one or more other ACO Participants compose an ACO, and that is included on the list of ACO Participants that is required under 42 CFR 425.118
- B.** ACO provider/supplier. Means an individual or entity that meets all of the following criteria:
1. Is a provider or a supplier;
 2. Is enrolled in Medicare;
 3. Bills for items and services it furnishes to Medicare fee-for-service beneficiaries under a Medicare billing number assigned to the TIN of an ACO participant in accordance with applicable Medicare regulations; and
 4. Is included on the list of ACO providers/suppliers that is required under 42 CFR 425.118.
- C.** Advanced Alternative Payment Model (“AAPM”). As defined in 42 CFR 414.1305; means an Alternative Payment Model that the Centers for Medicare and Medicaid Services (“CMS”) determines meets the criteria set forth in 42 CFR 414.1415.
- D.** Alternative Payment Model (“APM”). As defined in 42 CFR 414.1305; means any of the following:

1. A model under section 1115A of the Act (other than a health care innovation award);
 2. The shared savings program under section 1899 of the Act;
 3. A demonstration under section 1866C of the Act; or
 4. A demonstration required by Federal law.
- E. Certified Electronic Health Record Technology (“CEHRT”). As defined in 42 CFR 414.1305; means electronic health record technology certified by the ONC Health IT Certification Program
- F. Eligible Clinician. As defined in 42 CFR 414.1305; Means eligible professional as defined in section 1848(3) of the Act, as identified by a unique TIN and NPI combination and, includes any of the following:
1. A physician;
 2. A practitioner described in section 1842(b)(18)(C) of the Act;
 3. A physical or occupational therapist or a qualified speech-language pathologist; or
 4. A qualified audiologist (as defined in section 1861(II)(3)(B) of the Act)

II. PROCEDURE

- A. 42 CFR 425.506(f) mandates that Accountable Care Organizations (“ACO”) participating in the Shared Savings Program (“SSP”) must certify annually the percentage of eligible clinicians that participate in the ACO that use Certified Electronic Health Record Technology (“CEHRT”) to document and communicate clinical care to their patients and health care providers.
- B. The thresholds established by the Centers for Medicare and Medicaid Services (“CMS”) are as follows:
1. ACOs that do not meet the financial risk standards to be an Advanced Alternative Payment Model (“AAPM”) must meet or exceed 50%; and
 2. ACOs that meet the financial risk standard to be an AAPM must meet or exceed the threshold established to qualify as an AAPM by the Quality Payment Program (“QPP”).
- C. Beginning in January 1, 2025, Advanced APMs, including the Scripps Accountable Care Organization (the “Scripps ACO”), must require the use of certified EHR technology, which means EHR technology certified under the ONC Health IT Certification Program that meets the following:
1. the 2015 Edition Base EHR definition, or any subsequent Base EHR definition; and
 2. any such ONC health IT certification criteria that are determined

applicable for the APM.

- D. Accordingly, the Scripps ACO requires that *all* ACO participants in the Scripps ACO adopt and utilize CEHRT to document and communicate clinical care to their patients and health care providers ***on or before May 15, 2024*** (the “Deadline”).
- E. ACO Participants shall attest to the Scripps ACO’s Management Board as to their compliance with this policy. Attestation will be conducted in a manner and time designated by the Scripps ACO Management Board. If an attesting ACO Participant’s CEHRT status changes relative to their attestation, the ACO Participant must notify the Scripps ACO within 30 days of this change.
- F. If an ACO participant does not successfully adopt and utilize a CEHRT by the Deadline, the Scripps ACO may take remedial action against the ACO participant, up to and including termination from the ACO.