

111TH CONGRESS  
2D SESSION

# H. R. 6005

To amend titles XVIII and XIX of the Social Security Act to provide for the temporary treatment of certain electronic health records as certified EHR technology for purposes of health information technology payment incentives under the Medicare and Medicaid Programs.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 30, 2010

Mr. BURGESS (for himself, Mr. STEARNS, and Mrs. BLACKBURN) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend titles XVIII and XIX of the Social Security Act to provide for the temporary treatment of certain electronic health records as certified EHR technology for purposes of health information technology payment incentives under the Medicare and Medicaid Programs.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Ensuring Equality for  
5       Early EHR Adoption Act of 2010”.

1 **SEC. 2. TEMPORARY TREATMENT OF CERTAIN EHR TECH-**  
2 **NOLOGY UNDER THE MEDICARE AND MED-**  
3 **ICAID EHR INCENTIVE PAYMENT PROGRAMS.**

4 (a) **MEDICARE PROGRAM.**—Section 1848(o)(4) of the  
5 Social Security Act (42 U.S.C. 1395w-4(o)(4)) is amend-  
6 ed by adding at the end the following: “For payment years  
7 2011 and 2012, such term includes an electronic health  
8 record that is not certified pursuant to such section  
9 3001(c)(5) and that enables the demonstration of mean-  
10 ingful EHR use for an EHR reporting period for the pay-  
11 ment year involved.”.

12 (b) **MEDICAID PROGRAM.**—Section 1903(t)(3)(A) of  
13 such Act (42 U.S.C. 1396b(t)(3)(A)) is amended by add-  
14 ing at the end the following: “For payment years 2011  
15 and 2012, such term includes an electronic health record  
16 that is not certified pursuant to such section 3001(c)(5)  
17 and that enables a Medicaid provider to demonstrate  
18 meaningful use for purposes of this subsection.”.

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