

PROPOSED AMENDMENTS TO THE BOARD'S REGULATIONS

This draft text proposes insertions (underlining) and deletions (strikethroughs) of the existing regulations. Omitted text is noted by an ellipsis. Omitted sections are noted with asterisks. The text is divided into three sections: Definitions; Initial Licenses; and Renewing Licenses.

DEFINITIONS

243 CMR 2.01(4) Definitions section

Clinical Quality Measures (CQM) means, in the context of Stage 1 Meaningful Use, the processes, experiences, or outcomes of patient care, observations or treatment that relate to one or more quality aims for health care such as effective, safe, efficient, patient-centered, equitable, and timely care.

Electronic Health Record (EHR) means an electronic record of patient health-related information generated by 1 or more encounters in any health care delivery setting.

~~on an individual that is created, gathered, managed, and consulted by authorized health care clinicians~~

Electronic health record systems include computerized physician order entry (CPOE), e-prescribing and other health information systems.

Health information exchange means an electronic platform enabling the transmission of healthcare-related data among providers, payers, personal health records controlled by a patient and government agencies according to national standards, the reliable and secure transfer of data among diverse systems and access to and retrieval of data.

The Massachusetts Health Information Highway (Mass HIway) means the collaboration between the Massachusetts Executive Office of Health and Human Services (EOHHS) and the Massachusetts e-Health Institute (MeHI) to deploy a secure statewide health information exchange.

Stage 1 Meaningful Use specifies the initial criteria that eligible health care professionals, eligible hospitals and critical access hospitals must meet in order to qualify for an incentive payment. The Centers for Medicare and Medicaid set forth the basic functionalities for electronic health record systems in a Final Rule for the EHR Incentive Programs at 75 Federal Register 44313, dated July 28, 2010.

Stage 1 Meaningful Use Program means a CMS-certified Stage 1 EHR program of an Eligible health care Professional (EP), an Eligible Hospital (EH) or an ~~E~~ligible Critical Access Hospital (CAH).

INITIAL FULL LICENSES

2.02: Initial Licensure for Graduates of Medical Schools in the US, ~~CA~~Canada, and PR

(1) Prerequisites to Initial Licensure

...

(l) Demonstrate Competency Proficiency in Electronic Health Records, as required by M.G.L. c. 112, § 2 as of January 1, 2015;

(2) Procedure for Obtaining Initial Full License

[Delete (f) and replace]

(f) EHR Proficiency Requirement.

1. Demonstrating EHR Proficiency. On or after January 1, 2015, an applicant for an initial full license must demonstrate proficiency in the use of electronic health records (EHR), as required by M.G.L. c. 112, § 2. An applicant shall demonstrate proficiency in the use of EHR once, and in one of the following ways:

- a. Participation in a Stage 1 Meaningful Use program as an eligible health care professional;
- b. Employment with, credentialed by, or in a contractual agreement with an eligible hospital or critical access hospital with a CMS-certified Stage 1 Meaningful Use program;
- c. Participation as either a Participant or an Authorized User in the Massachusetts Health Information Highway.
- d. Completion of three hours of a Category 1 EHR-related CPD course that discusses, at a minimum, the core and menu objectives and the CQMs for Stage 1 Meaningful Use. These three EHR credits may be used toward the required ten risk management CPD credits.

2. Exemptions. Exemptions must be claimed each licensing cycle if applicable. The following are exempt from the requirement to demonstrate EHR Proficiency:

- a. An applicant who will not be engaged in the practice of medicine as defined in 243 CMR 2.01(4);
- b. An applicant for an Administrative License;
- c. An applicant for a Volunteer License;
- d. An applicant on active duty as a member of the National Guard or of a uniformed service called into service during a national emergency or crisis; or
- e. An applicant for an Emergency Restricted License. ~~An applicant on active duty as a member of the National Guard or of a uniformed service called into service during a national emergency or crisis.
 -a health care~~

2.02(6) Restricted Licenses.

....

(b) Emergency Restricted License for a Displaced Physician. ...[second sentence] The electronic health records requirement in 243 CMR 2.02(1)(l) shall not be required for an emergency restricted license for a displaced physician.

2.02(7) Limited Licenses ...

(b) Prerequisites and Exceptions. Applicants for a Limited License shall satisfy the requirements of 243 CMR 2.02(1), except the following:....

6. 243 CMR 2.02(1)(l): *Demonstration of ~~Competency~~Proficiency in Electronic Health Records.*

(c) Emergency Restricted Limited License. ...[second sentence] Applicants for an Emergency Restricted Limited License shall satisfy the requirements of 243 CMR 2.02(7)(b).

2.02(11) Volunteer License.

(a) Purpose. [second sentence] To qualify for a volunteer license, an applicant shall satisfy the prerequisites for a full initial license as set forth in 243 CMR 2.02(1), except for 243 CMR 2.02(1)(l).

2.02(12) Administrative License. In order to qualify for an administrative license to an applicant shall satisfy the educational and postgraduate training requirements for a full license as set forth in at 243 CMR 2.01(1), except for 243 CMR 2.02(1)(~~mg~~), 243 CMR 2.02(1)(l), and 243 CMR 2.02(1)(~~gm~~) and the following requirements:---

2.02 (13) Temporary License. In order to qualify for an initial temporary license, an applicant must meet the requirements of 243 CMR 2.02(1), except 243 CMR 2.02(1)(l) and except as otherwise provided in 243 CMR 2.00, in addition to the requirements of 243 CMR 2.02(13).

(a) Academic Faculty Appointment. ...

2. In order to renew a temporary license under 243 CMR 2.02(13), the licensee shall complete the following requirements:

a. ~~The electronic health records requirement, as described in 243 CMR 2.02(2)(f);~~ [renumber the following sequence]....

RENEWING LICENSES

2.06: License Renewals

...(2) Requirements for Renewing a Full, Administrative or Volunteer License.

...[Delete (d) and replace]

(d) Competency Proficiency in EHR.

1. Demonstrating EHR Proficiency. On or after January 1, 2015, a renewing full licensee must demonstrate proficiency in the use of electronic health records (EHR), as required by M.G.L. c. 112, § 2. A renewing full licensee shall demonstrate proficiency in the use of EHR once, and in one of the following ways:

- a. Participation in a Stage 1 Meaningful Use program as an eligible health care professional;
- b. Employment with, credentialed by, or in a contractual agreement with an eligible hospital or critical access hospital with a CMS-certified Stage 1 Meaningful Use program;
- c. Participation, as either a Participant or Authorized User, in the Massachusetts Health Information Highway; or
- d. Completion of three hours of a Category 1 EHR-related CPD course that discusses, at a minimum, the core and menu objectives and the CQMs for Stage 1 Meaningful Use. These three EHR credits may be used toward the required ten risk management CPD credits.

2. Waiver of the EHR Proficiency Requirement. For purposes of this section, a waiver means an extension of time with which to demonstrate EHR Proficiency. A licensee may apply to the Board for a waiver of the EHR Proficiency requirement.

- a. The Board may, in its discretion, grant a 90-day waiver of the EHR Proficiency requirement due to undue hardship in meeting the requirement.
- b. The licensee must submit the waiver request to the Board no later than 30 days prior to the license renewal date. Only in exceptional circumstances shall the Board permit a licensee to file a waiver request less than 30 days prior to the licensee's renewal date.
- c. The Board may extend the validity of the applicant's license through the period of the waiver.

3. Exemptions. Exemptions must be claimed each licensing cycle, if applicable. The following are exempt from the requirement to demonstrate EHR Proficiency:

- a. A licensee who is not engaged in the practice of medicine as defined in 243 CMR 2.01(4);
- b. An Administrative licensee;
- c. A Volunteer licensee;
- d. An Inactive licensee;
- e. An applicant for any license who is on active duty as a member of the National Guard or of a uniformed service called into service during a national emergency or crisis; or
- f. An Emergency Restricted licensee; or
- g. An applicant who has already demonstrated proficiency under 243 CMR 2.02(2)(f) or 243 CMR 2.06(2)(d).

...(3) Inactive Status.

(a) Exempt from Certain Requirements.

...A licensee who is inactive is exempt from the continuing professional development requirements set forth in [243 CMR 2.06\(2\)](#) and 243 CMR 2.06(~~56~~)....

(b) Return to Active Status.

....The Board shall require the licensee to satisfy such continuing professional development requirements as have accumulated during the period of time the licensee was on inactive status, [including the EHR Proficiency requirement](#), or such CPD requirements as the Board requires.

(4) Retiring from the Practice of Medicine.

....

(e) From Retired Status to Active Status. A physician in Retired status may wish to return to active practice- [The physician must demonstrate EHR Proficiency as set forth in 243 CMR 2.06\(2\)\(d\).](#)

(7) Lapsed License Status.

....

(b).....

1. The Board shall require the licensee to satisfy such continuing professional development requirements as have accumulated during the period of the lapse, [including the EHR Proficiency requirement](#), or such CPD requirements as ~~the Board requires~~[determined by the Board](#).