

June 26, 2009

VIA EMAIL to MeaningfulUse@hhs.gov

Office of the National Coordinator for Health Information Technology
200 Independence Ave, SW
Suite 729D
Washington, DC 20201
Attention: HIT Policy Committee Meaningful Use Comments

RE: Comments on the Preliminary Definition of “Meaningful Use”

Dear Sir or Madam:

On behalf of the American Occupational Therapy Association, Inc. (AOTA), which represents the professional interests of 140,000 occupational therapists, occupational therapy assistants and occupational therapy students throughout the country, thank you for the opportunity to comment on the preliminary definition of “meaningful use” of electronic health records (EHRs) as presented to the HIT Policy Committee on June 16, 2009.

The American Recovery and Reinvestment Act of 2009 (the “Recovery Act”) (Pub. L. 111-5) provides for Medicare and Medicaid incentive payments for eligible providers, such as physicians and hospitals, in order to promote the adoption of EHRs. To receive the incentive payments, providers must demonstrate “meaningful use” of a certified EHR. It is important to note that the Recovery Act includes occupational therapists, physical therapists and speech language pathologists in the definition of “covered professional services.” We believe that a definition of “meaningful use” should provide flexibility to allow the services of therapists to be captured in electronic health records.

AOTA agrees with the statement in the Meaningful Use Preamble which states: “The recommended definition of ‘meaningful use’ will depend on the healthcare setting in which it is employed” and we believe that this statement applies to therapy services. AOTA is concerned that some of the Goals and Objectives listed in the Meaningful Use Matrix will not apply to the covered professional services of occupational therapists, for example electronic prescribing. We believe this limitation is unnecessary.

The Recovery Act states:

MEANINGFUL USE OF CERTIFIED EHR TECHNOLOGY.— The eligible professional demonstrates to the satisfaction of the Secretary, in accordance with subparagraph (C)(i), that during such period the professional is using certified EHR technology in a meaningful manner, which shall include the use of electronic prescribing as determined to be appropriate by the Secretary.

We believe that this section gives the Secretary the authority to determine when “meaningful use” must include electronic prescribing and when it is not required. AOTA believes that electronic prescribing should not be required for eligible professionals that are delivering covered professional services such as occupational therapy.

AOTA urges the HIT Policy Committee to adopt a definition of “meaningful use” that has flexibility to allow eligible professionals to be considered meaningful users of electronic health records when delivery a wide array of services in different healthcare settings.

AOTA appreciates the opportunity to comment on the preliminary definition of “meaningful use.” Please contact me at 301/652-6611 ext 2019 or via email at cwillmarth@aota.org if you have questions or need additional information.

Sincerely,

A handwritten signature in cursive script that reads "Charles Willmarth". The signature is written in black ink and is positioned below the word "Sincerely,".

Charles Willmarth
Director, State Affairs and Reimbursement & Regulatory Affairs