HOW IS YOUR EHR DONATION PROGRAM?

A community electronic health record ("EHR") is a powerful tool for creating alignment among health care providers as well as coordinating care, improving the quality of care and reducing the cost of care. The Department of Health and Human Services ("HHS") has long promoted the adoption of EHR technology and has provided an Antikickback safe harbor and Stark Law exception that permits health systems and other health care providers to donate EHR technology to other health care providers ("EHR Donation Regulations"). These transactions generally take the form of a health system donating EHR technology to community hospitals and/or non-employed medical staff and may be in association with a clinically integrated network ("CIN") or accountable care organization ("ACO").

Extending an EHR to providers outside of the host health care organization is complicated and presents several privacy, security, compliance and operational challenges. Privacy and security policies, processes and procedures must be extended beyond the host workforce and contemplate segregating access to PHI for unaffiliated covered entities. Consideration should be given to how IT staff supports, modifies and manages the EHR system to ensure alignment with contractual commitments made to recipients and customers. HIM requests for information processes of both donor and recipient must consider the implications of a shared larger record. Finally, compliance with the EHR Donation Regulations requires that the donor of EHR technology maintain a reasonable methodology for calculating the cost of the donated items and services, disclose the cost of the donated EHR technology to the recipient and that the recipient pays no less than fifteen percent of the cost of the donated EHR technology.

THE HALL RENDER ADVISORY SERVICES ADVANTAGE

Hall Render Advisory Services advisors have assisted health systems in developing EHR donation programs that align with strategic objectives, leverage the efficiency of scaled IT infrastructure, provide improved security posture and navigate the various compliance considerations. Our multidisciplinary team of advisors has designed and implemented the IT organizational change necessary to support external service delivery, addressing operational, security and financial considerations. Our experience and perspective allow us to provide tested guidance and identify issues often overlooked.

Hall Render Advisory Services' IT Advisors Can Help:

- Develop a strategic roadmap for the EHR donation program and assess market opportunities;
- Assess the capabilities of the current organization (*e.g.*, IT technologies, architecture, capabilities, staffing) to provide the future state of service offerings, and identify any potential risks, gaps or challenges in meeting expectations;
- Review or document your organization's program goals, executive governance/steering committee structure and guiding principles and make recommendations, as this is foundational for all decisions;
- Document scope of services and applications that the organization wants to provide to the community and develop service/application offerings with associated cost models that include application, staffing, hardware and data center expenses;
- Identify and document all cost drivers and decisions associated with the program to create a scalable pricing model that meets regulatory requirements;
- Review IT vendor relationships/contracts for long-term alignment and future state readiness to determine extensibility rights, pricing and changes if required;
- Recommend overall program management/command and control structure to ensure the success of the program to achieve the business goals; and
- Create a project framework for integrating new affiliates to allow for rapid integration, including roles and responsibilities, ongoing operational support processes and communication and change management strategies to allow for transparency and partnership to create a win-win offering.

Advisory Services has experience in establishing EHR donation programs and can partner with Hall Render on structure agreements and

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operating procedures. If you are evaluating an EHR donation program or need someone to review your existing program and help align the cost model with operational procedures, contact our team today.

- Dan Cumberland at dcumberland@hallrenderas.com or (443) 951-7050;
- John Norling at jnorling@hallrenderas.com or (214) 615-2010;
- Michael Latcha at mlatcha@hallrenderas.com or (269) 207-6382;
- Michael Batt at mbatt@hallrender.com or (317) 977-1417; or
- Your primary Hall Render Advisory Services contact.

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