



## UPDATE Health Law Pulse

December 2013

### Federal Agencies Extend EHR Donation Sunset Date

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On December 23, 2013, the Centers for Medicare and Medicaid Services (CMS) and the Department of Health and Human Services' Office of Inspector General (OIG) released final rules (the Rules) amending the electronic health records (EHR) exception under the Stark Law (EHR Exception) and the EHR safe harbor under the Anti-Kickback Statute (EHR Safe Harbor). Click here to access the [CMS final rule](#) and the [OIG final rule](#).

Prior to the promulgation of the Rules, the EHR Exception and the EHR Safe Harbor were scheduled to sunset on December 31, 2013. The Rules extend the December 31, 2013, sunset date to December 31, 2021. In addition, the Rules amend the EHR Exception and the EHR Safe Harbor to: 1) prohibit laboratory companies from donating EHR items and services; 2) remove the requirement that EHR software contain e-prescribing capabilities; and 3) update the interoperability provisions to state that EHR software will be deemed interoperable if, at the time it is provided to the physician, it meets the certification criteria set forth in the then-applicable version of 45 CFR part 170.

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If you have a question about the EHR Exception or the EHR Safe Harbor, please contact a member of [Robinson & Cole's Health Law Practice Group](#).

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