



General Assembly

January Session, 2011

Raised Bill No. 6357

LCO No. 2964

02964_____HS_

Referred to Committee on Human Services

Introduced by:
(HS)

***AN ACT CONCERNING ADMINISTRATIVE HEARINGS UNDER THE
MEDICAID ELECTRONIC HEALTH RECORD INCENTIVE PROGRAM.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 17b-34 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) The Commissioner of Social Services, in consultation with the
4 Commissioner of Public Health, shall take such action as necessary to
5 meet the qualification criteria established pursuant to Section 4201 of
6 the American Recovery and Reinvestment Act of 2009, P.L. 111-5 to
7 obtain (1) matching funds for the Department of Social Services'
8 administrative planning activities related to health information
9 technology; and (2) incentive payments for hospitals and eligible
10 professionals who are meaningful electronic health record users as
11 described in said act. The Commissioner of Social Services shall
12 disburse any federal incentive funds for hospitals and eligible
13 professionals that the commissioner receives pursuant to this section to
14 each hospital and eligible professional.

15 (b) The Commissioner of Social Services shall, in accordance with

16 Section 4201 of the American Recovery and Reinvestment Act of 2009,
17 P.L. 111-5, develop and implement a Medicaid health information
18 technology plan and shall establish a Medicaid electronic health record
19 incentive program to provide incentives for hospitals and other health
20 care providers which adopt and meaningfully use electronic health
21 records to improve patient health and the quality and efficiency of
22 health care service delivery.

23 (c) A hospital or other health care provider may contest an adverse
24 decision made by the Commissioner of Social Services under the
25 Medicaid electronic health record incentive program by requesting an
26 initial review of the decision by the Department of Social Services.
27 After an initial review by the department, in accordance with 42 CFR
28 495.370, the provider may request an administrative hearing in
29 accordance with the provisions of chapter 54 to contest a decision
30 made by the commissioner under the program concerning the
31 provider's: (1) Eligibility; (2) incentive payment amounts; (3)
32 demonstration of adopting, implementing or upgrading an electronic
33 health record; or (4) fulfillment of meaningful use criteria.

34 (d) The Department of Social Services may implement policies and
35 procedures necessary to carry out the purposes of this section, while in
36 the process of adopting such policies and procedures in regulation
37 form, provided the Commissioner of Social Services publishes notice of
38 intention to adopt the regulations in the Connecticut Law Journal not
39 later than twenty days after the date of implementing such policies and
40 procedures. Policies and procedures implemented pursuant to this
41 subsection shall be valid until the time such regulations are adopted.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	17b-34

Statement of Purpose:

To give eligible health care providers the right to request an administrative hearing under chapter 54 of the general statutes to contest an adverse decision made by the Commissioner of Social Services under the Medicaid electronic health record incentive program.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]