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Commissioner

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September 27, 2012

Senator Andrew W. Roraback, Co-Chair
Representative Paul Davis, Co-Chair
Legislative Regulation Review Committee
State Capitol – Room 011
Hartford, CT 06106

Re: **DSS Regulation # 11-10 – Electronic Health Records Incentive Program**

Dear Senator Roraback and Representative Davis:

Pursuant to section 4-170(b) of the Connecticut General Statutes, I submit for your approval a proposed regulation to adopt new sections 17b-34-1 to 17b-34-10, inclusive, of the Regulations of Connecticut State Agencies, which set forth requirements for Medicaid provider participation in the Electronic Health Records (“EHR”) Incentive Program. Section 4201 of the American Reinvestment and Recovery Act of 2009, codified at 42 USC 1396b(a)(3)(F) and 42 USC 1396b(t), established the EHR incentive program, administered by the states. While federal regulations at 42 CFR 495, Subparts A and D provide most of the rules for the EHR Incentive Program, the proposed regulation is necessary to set forth complete rules for providers.

Notice of the proposed regulation was published in the Connecticut Law Journal on September 20, 2011. A public hearing was not held. The Department received no written comments. A copy of the notice of intent is attached. On August 23, 2012, the Office of the Attorney General approved the proposed regulation as legally sufficient. A copy of the proposed regulation has been submitted to the Office of Fiscal Analysis.

If you or your staff requires additional information or clarification concerning this proposed regulation, please contact Mark Heuschkel at (860) 424-5347 or Andrea Schroeter at (860) 424-5649.

Sincerely,

Kathleen M. Brennan
Deputy Commissioner

Roderick L. Bremby *for*
Commissioner

Enclosures

Cc: Mark Heuschkel
Andrea Schroeter
Carolyn Treiss
Heather Rossi