

## ADMINISTRATIVE REGULATIONS

*Regulations and notices published herein, pursuant to General Statutes Sections 4-168 and 4-173, are printed exactly as submitted by the forwarding agencies. These, being official documents submitted by the responsible agencies, are consequently not subject to editing by the Commission on Official Legal Publications.*

*A cumulative list of effective amendments to the Regulations of Connecticut State Agencies may be found in the Connecticut Law Journal dated September 6, 2011.*

### DEPARTMENT OF SOCIAL SERVICES

#### Notice of Intent to Adopt Regulations

In accordance with the provisions of subsection (a) of section 4-168 of the Connecticut General Statutes, as amended, notice is hereby given that the Commissioner of Social Services, under the authority of section 17b-34 of the Connecticut General Statutes, as amended by Public Act 11-137 and subsection (b) of section 17b-10 of the Connecticut General Statutes, proposes to adopt new sections 17b-34-1 to 17b-34-11, inclusive, of the Regulations of Connecticut State Agencies. The proposed regulations set forth the requirements for provider participation in, and receipt of, incentive payments from the Electronic Health Records ("EHR") Incentive Program, as provided under 42 USC §§ 1396(a)(3)(F) and 1396b(t).

**Statement of purpose:** (A) The purpose of the proposed regulations is to set forth the requirements that shall be satisfied for providers to qualify as participants in the EHR Incentive Program and the criteria that shall be met for qualifying providers to receive incentive payments for adopting, implementing or upgrading electronic health records technology. The problems, issues or circumstances that the regulation proposes to address: Section 4201 of the American Recovery and Reinvestment Act ("ARRA") establishes a financial incentive program, to be administered by the states, to provide financial incentives to certain health care providers who are "meaningful users" of electronic health records. The use of electronic health record is being encouraged in order to improve the quality, safety and efficiency of patient health care through meaningful use of EHR.

(B) The main provisions of the regulation: Set forth: (1) The purpose and scope of the EHR incentive program; (2) definitions; (3) general provider participation requirements; (4) meaningful use objective and measures; (5) requirements for demonstrating meaningful use; (6) the methodology for calculating patient volume; (7) payment provisions; (8) verification and audit requirements; and (9) provider appeal rights.

(C) The legal effects of the regulation: The proposed regulation will provide the requirements for provider participation in the EHR Incentive program established by section 4201 of ARRA.

A copy of the complete text of these regulations is available at no cost upon request from the Department of Social Services, Office of Legal Counsel, Regulations and Administrative Hearings, 25 Sigourney Street, 12<sup>th</sup> floor, Hartford, CT 06106; email [patricia.pion@ct.gov](mailto:patricia.pion@ct.gov).

All written comments, questions, and concerns regarding this regulation may be submitted within 30 days of the publication of this notice to the Department of Social Services, Office of Legal Counsel, Regulations & Administrative Hearings, 25 Sigourney Street, Hartford, Connecticut, 06106. Attention: Brenda Parrella, Director. A hearing will be scheduled on the proposed regulation if requested by fifteen persons, by a governmental subdivision of an agency or by an association having not less than fifteen members, if notice of the request is received by the Department within fourteen days after the date of publication of this notice.

When submitting comments please refer to regulation control # 11-10/AS.

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## HEALTH INFORMATION TECHNOLOGY EXCHANGE OF CONNECTICUT

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### Notice Prior to Adoption of Procedures

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Pursuant to section 1-121(a) of the Connecticut General Statutes, notice is hereby given that the Health Information Technology Exchange of Connecticut (HITE-CT) is proposing to adopt the policies outlined below for the implementation of a state-wide health information exchange under the authority granted to the HITE-CT by Chapter 368dd of the Connecticut General Statutes.

Proposed policies:

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| Audit Policy               | The purpose of the policy is to ensure that the security and confidentiality of patient data transmitted through HITE-CT is protected through privacy/security audits.<br>Audit is defined as follows: systematic and independent examination of accesses, additions, or alterations to electronic health records to determine whether the activities were conducted, and the data were collected, used, retained or disclosed according to organizational standard operating procedures, policies, good clinical practice, and applicable regulatory requirement(s). |
| Identity Management Policy | The purpose of the policy is to ensure that the identities of the persons and entities interacting with HITE-CT are assured through the performance of tests to enable a data processing system to recognize entities (individuals or machines interacting with the HITE-CT system).  |
| Authentication Policy      | The purpose of the policy is to ensure that systems and persons interacting with HITE-CT system are known through the process of reliable security identification of subjects by incorporating an identifier and its authenticator.   |
| Access Control Policy      | The purpose of the policy is to define who and how individuals and systems can access HITE-CT managed data through a means of ensuring that the resources of a data processing system can be accessed only by authorized entities (individuals or machines interacting with the HITE-CT system) in authorized ways.   |