



**EMR Adoption Program
New EMR Adopter Funding
Terms and Conditions**

PROGRAM PURPOSE. The EMR Adoption Program is intended to increase the number of Ontario physicians who use OntarioMD-certified (“certified”) electronic medical records applications (“EMR”), as described in section 14, in their practices to help improve care outcomes, patient safety and practice / clinical workflows. This program, funded by eHealth Ontario, is administered by OntarioMD Inc.

1. New EMR Adopter Funding. New EMR Adopter Funding is intended to promote and enable physician office transformation from paper to electronic medical records by providing both one-time and monthly payments as detailed below, to help physicians with associated costs incurred over a 3-year period. In addition to EMR funding, the program also includes change management services and transition support which is provided by OntarioMD at no cost to program participants.

2. Who Can Apply For New EMR Adopter Funding? The following physician groups, organizations, and sole practitioners (“Groups”) can apply (be an “Applicant”) for New EMR Adopter Funding (“funding”),

- a. MOHLTC-funded primary care physician groups (e.g., FHNs, FHOs, FHGs, FFS etc.);
- b. Sole practitioners, except where that sole practitioner participates in a MOHLTC-funded physician group, described in section 2(a);
- c. Organizations or entities that operate clinics where physicians conduct medical practices, including the primary organization that a sole practitioner, or group of sole practitioners :
 - (i) own(s) and/or is responsible for the operations; or
 - (ii) contracts with in order to practice medicine.

3. Who Can Be a Participating Physician in a Group? Physicians who satisfy ALL the following criteria (“Participating Physician”) can be included for a “funding position” in an Applicant’s Group:

- a. A Practice-based physician (i.e., not based only in a hospital or other institution with its own medical records system), either family practitioner or specialist.
- b. Practises medicine with or on the premises of the Applicant.
- c. Holds a valid certificate of registration issued by the College of Physicians and Surgeons of Ontario.
- d. Is responsible for the maintenance of medical records for his or her patients, and the records are not maintained on a system provided by an organization such as a hospital, long-term care facility or Community Health Centre.
- e. Has received payments from the MOHLTC (e.g. OHIP billings, Alternate Payment Plan payments including income stabilization payments) of more than \$30,000 over the last 12 months.
- f. Is not using an EMR that was funded under the Primary Care IT program (“PCIT”) or any other government program. However, a physician who leaves a group funded under the PCIT program and joins another group or enters into sole practice is eligible to apply for New EMR Adopter Funding.

4. Amounts of Funding. The table below outlines the full New EMR Adopter funding per funding-approved Participating Physician position.

		Per Approved Participating Physician Position			
		Total Funding	Readiness Grant	Monthly Payment (36 months)	Performance Grant
New EMR Adopter Funding	ASP EMR Products	\$29,800	\$3,500	\$675 per month	\$2,000
	Local EMR Products	\$27,100	\$3,500	\$600 per month	\$2,000

The funding paid to a Participating Physician may be adjusted due to participation in a prior EMR funding

program, depending upon a review of past funding received based on factors including:

- a) If a Participating Physician received Desktop Package funding under the previous Primary Care IT "PCIT" funding program, or is using a computer purchased in whole or in part with it, the Readiness Grant will be reduced by \$2,000. The reduction will not apply if the Participating Physician is stepping into the shoes of a departed Participating Physician whose position is already receiving funding and who leaves before funding is complete.
- b) Where a Participating Physician leaves a Group and takes any equipment, EMR licenses or electronic patient records from a funded EMR, or receives compensation for the funded EMR investment from the Group as part of a departure agreement, the attributed value of the assets and/or compensation will be deducted from the New EMR Adoption Funding.
- c) Where a Participating Physician leaves a Group and leaves the EMR equipment and an eligible replacement physician joining the Group would occupy the empty funding position, the replacement physician would receive any remaining payments according to the terms and conditions, as set out in section 10(b).
- d) Remaining funding follows a Participating Physician who is a sole practitioner when he/she leaves a Group. Funding to the Group will be terminated as directed by the Participating Physician by providing OntarioMD and the Group (where applicable) written notice of his or her departure from the Group. To commence payment of the remaining funds, the departing Participating Physician must advise OntarioMD of the different Group he or she is joining, or sign a New EMR Adopter Funding Agreement and submit an EFT Form as set out in section 10(a) in order to receive the payment directly. Where the Participating Physician joins a different Group, the Group needs to submit a Notice of Change adding the Participating Physician to the Group, as set out in section 10(b).

5. Funding Prioritization: Funding will be prioritized annually according to criteria set by eHealth Ontario.

6. Eligibility Determination. Applications for New EMR Adopter Funding will be processed by OntarioMD in accordance with these Terms and Conditions. All decisions regarding the Applicant's eligibility for funding, including without limitation the eligibility of the Applicant and its Participating Physicians, whether the Applicant satisfies eHealth Ontario's funding prioritization criteria and number of funded Participating Physician positions will be determined solely by OntarioMD.

7. Program Duration & Deadlines. The EMR Adoption Program will be in effect for the period April 1, 2009 to March 31, 2012.

- **Application Deadline:** Completed New EMR Adopter Funding applications must be received by OntarioMD by September 30, 2011.
- **Funding Agreement Deadline:** New EMR Adopter Funding Agreement must be signed by approved Applicants and received by OntarioMD by March 31, 2012.
- **Applicant Specific Deadlines** for the Vendor Contract Declaration and Scope of Work, the Go-Live Declarations, and the Performance Declarations will be set out in their respective New EMR Adoption Funding Agreement.

8. Special Conditions of Funding for Approved Applicants. The following are special conditions of New EMR Adopter Funding:

- a. The Group must select, acquire, implement and use the latest version of a certified EMR product (i.e., an OntarioMD certified Local or Application Service Provider (ASP) product).
- b. In total, at least 50% of the physicians in the Group must either,
 - i. agree to participate in the New EMR Adopter Funding Program, or
 - ii. be already participating in the PCIT Program;
- c. All Participating Physicians in a Group must all use the same version of a certified EMR product during the period they receive funding under this program;

- d. If a newer version of the EMR product used by the Group is released, all of the Group's Participating Physicians must upgrade to that new version within eight (8) months of the date that version was made available for general use;
- e. The Participating Physicians in the Group must use the certified EMR product, to the extent possible, to:
 - i. make patient appointments
 - ii. bill for services
 - iii. enter encounter notes for patients seen
 - iv. enter problem lists for patients seen
 - v. store patient care related documents not originated from an EMR, which contain information not already within the EMR
 - vi. make new prescriptions / renewals
 - vii. generate automated alerts / reminders to support care delivery
 - viii. receive lab results electronically, directly into the EMR from private labs supported by the EMR Specification
- f. OntarioMD has the right to confirm each Participating Physician's use of the EMR product by on-site audit of the Group's EMR product or such other means as OntarioMD may decide.
- g. All Applicants, and where applicable Participating Physicians in a Group, must configure the EMR and arrange and carry out their practices so that:
 - they and other authorized health care providers on the "team" (if applicable) have ready access to the EMR application at all points of care within the practice;
 - support staff have ready access to the EMR application to support billing, scheduling and clinical workflow activities; and
 - they, and their support staff, have ready access to a printer to support care delivery activities (e.g., patient education, prescription printing) and administrative activities.
- h. The Applicant must:
 - have an agreement with the Participating Physician which describes what EMR assets and patient records, if any, will be taken by the Participating Physician upon leaving the Group and any payment made by the Group to the Participating Physician for his/her share of the EMR funding paid up to the departure date of the Participating Physician;
 - ensure that the software and hardware for their EMR (e.g., computers, servers, printers etc.) meet or exceed their EMR Vendor's recommended requirements;
 - on or before the Go-Live Date, acquire and use network connections from a third party that meet or exceed eHealth Ontario's EMR Connectivity Guidelines and their EMR Vendor's requirements; and
 - install and maintain an uninterruptible power supply (UPS) to protect the EMR application against intermittent power fluctuations and permit the safe power-down of network and computer equipment.
- i. Acquire and implement one of the following:
 - i. a certified ASP EMR solution and use it as per ASP EMR Vendor's and OntarioMD's best practices, including:
 - 1. Implement and sustain local support to address technical issues;
 - 2. Obtain EMR training from the EMR Vendor for each user of the EMR;
 - 3. Develop a business continuity plan for aspects not covered in the Vendor's ASP business continuity plan; and
 - 4. Keep all patient data downloaded from the ASP EMR secure, both physically and using IT best practices.

or

- ii. a certified Local EMR solution hosted at a Participating Physician's office and either:
 - a. Join and maintain membership in and participate fully in the Vendor Collaborative Network ("VCN") for the chosen Local EMR, and as per the VCN's and OntarioMD's best practices, including:
 - 1. Implement and sustain support to address technical issues;
 - 2. Obtain EMR training from the EMR Vendor for each user of the EMR;
 - 3. Develop a comprehensive business continuity plan, which includes a disaster recovery plans and daily off-site back up of critical data; and
 - 4. Keep all patient data secure, both physically and using IT best practices.

or

- b. Sign OntarioMD's EMR System Management Independent Undertaking, which includes undertaking the following as per industry and OntarioMD best practices:
 - 1. Obtaining training, including a plan to obtain ongoing training, for all persons using the Local EMR so that it will be used in accordance with best practices.
 - 2. Developing and implementing a support plan, as recommended by the EMR Vendor, for the configuration of the EMR and associated hardware and communication network.
 - 3. Developing and implementing a Local EMR version upgrade plan in order to keep the EMR at the most current version.
 - 4. Developing and implementing a disaster recovery plan so that critical data resident on the Group's servers can be recovered quickly and with minimal loss.
 - 5. Developing and implementing a business continuity plan so that in the event of the loss of the Group's premises and servers the Group can quickly continue in business using the critical data.
 - 6. Developing and implementing a system to provide daily off-site backups of critical data.
 - 7. Obtaining, reading and understanding the Local EMR Vendor's annual Data Migration test results.
 - 8. Developing and implementing a plan for accurate and speedy migration of critical data in the event of a change to a different EMR.
 - 9. Maintaining critical data encrypted to a strength of at least 128 bits, so that critical data cannot easily be accessed or used if the servers containing critical data are stolen.
 - 10. Keeping safe all keys for decryption of the critical data and all usernames and passwords from use by persons who are not entitled to access to the Group's critical data.
 - 11. Keeping the servers upon which critical data are resident safe from unauthorized access or tampering, both physically or remotely.
 - 12. Maintaining local area network (LAN) security in order to keep critical data safe from unauthorized access, including use of a stateful packet inspection firewall and router at the perimeter of the LAN and monitoring of traffic in both directions in order to manage intrusion attempts.
 - 13. Keeping anti-virus/anti-spam/anti-spyware systems in place and maintained with the latest spyware and virus signatures.
 - 14. Obtaining, reading, understanding and monitoring the EMR Vendor's documented plan for obtaining and maintaining a Health Canada Class II Medical Device licence for the Local EMR.

- j. If, at any time, OntarioMD determines that the Applicant has open funded physician positions from the PCIT program the Applicant must first fill those open positions before applying for New EMR Adopter Funding.

9. Process. The funding process steps set out in these Terms and Conditions are summarized below:

- a. **Application:** Completion of the Funding Application and Readiness Self-Assessment and submission to OntarioMD for review.
- b. **Readiness Assessment:** OntarioMD will conduct its own detailed readiness assessment. Based on the results of its readiness assessment, the Applicant may need to complete various activities described in a Readiness Plan prepared by OntarioMD before funding is approved.
- c. **New EMR Adopter Funding Agreement:** A New EMR Adopter Funding Agreement is signed by the Applicant and by OntarioMD. It sets out milestones for the selection of an EMR and the EMR Go-Live date.
- d. **Vendor Contract Declaration:** The Applicant is required to select an EMR and sign a contract with an EMR Vendor and submit its Vendor Contract Declaration, planned Scope of Work and if applicable, EMR System Management Independent Undertaking, to OntarioMD within three months of signing the New EMR Adopter Funding Agreement.
- e. **Go-Live Declaration:** Within six months of signing the New EMR Adopter Funding Agreement the Applicant must complete acceptance testing of the EMR and start to use it and must submit Go-Live Declarations and a completed Scope of Work showing completion of Implementation Acceptance Testing.
- f. **Performance Declaration:** Once an Applicant has established electronic medical records for 600 or two-thirds of the rostered or active patients of its Participating Physicians, whichever is less, the Participating Physicians can submit a Performance Declaration and EMR Use Survey to OntarioMD to entitle the Group to receive the one-time Performance Grant.

9a. New EMR Adopter Funding Application. An Applicant must complete and submit to OntarioMD a New EMR Adopter Application form and Readiness Self-Assessment. Upon receiving the application and self-assessment, OntarioMD will review the application to confirm completeness and determine the funding eligibility for the Applicant and its Participating Physicians. If an Applicant requests changes to a Funding Application, subsequent to its approval by OntarioMD, OntarioMD reserves the right to require the Applicant to restart the application process.

NOTE: Acceptance of the Application by OntarioMD only means that OntarioMD has determined that the Applicant is eligible to participate in this program and that New EMR Adopter funding will be reserved. No funding will be paid on the basis of or as a result of acceptance of the New EMR Adopter Application. Funding only becomes payable once the Applicant enters into the New EMR Adopter Funding Agreement.

New EMR Adopter Funding Application Deadline: Complete New EMR Adopter Funding applications must be received by OntarioMD by September 30, 2011.

9b. Readiness Assessment & Plan. OntarioMD will assign a Practice Management Consultant to conduct a detailed readiness assessment. Based on the results of the readiness assessment, the Applicant may need to complete various activities described in a Readiness Plan prepared by OntarioMD before the Applicant can enter into a **New EMR Adopter Funding Agreement**. Where a Readiness Plan is required, OntarioMD will provide assistance to better prepare the applicant for a successful EMR implementation.

9c. New EMR Adopter Funding Agreement. A New EMR Adopter Funding Agreement consists of covering and signature pages, these Terms and Conditions and eHealth Ontario's EMR Connectivity Guidelines.

Each Applicant will only have one New EMR Adopter Funding Agreement and will have only one EMR solution for all Participating Physicians.

All Notices of Change and EFT Forms (*Refer to item 10 below*) delivered by the Applicant during the term of the agreement will also become part of that Agreement as will the Vendor Contract Declaration, Go-Live Declarations and Performance Declarations.

Once two original copies of the Agreement are signed by both the Applicant and OntarioMD, OntarioMD will commit to providing the funds, according to the Agreement and the Terms and Conditions herein, so that the Applicant's Participating Physicians can proceed to sign contracts for supply of a certified EMR application and associated hardware and services.

NOTE: No Applicant or Participating Physician should enter into any contract with any Vendor until the New EMR Adopter Funding Agreement is completed and signed by OntarioMD. Until that time, there is no guarantee that any funding will be provided.

New EMR Adopter Funding Agreement Deadline: The New EMR Adopter Funding Agreement must be signed by the Applicant and received by OntarioMD by March 31, 2012.

9d. Vendor Contract Declaration. The Applicant's Vendor Contract Declaration confirms that the Applicant has signed a contract with a Vendor for a certified EMR product and related services. The Declaration must be accompanied by a copy of the Applicant's planned Scope of Work. The Scope of Work forms part of the EMR purchase agreement between the Applicant and the Vendor and sets out what the Applicant and the Vendor and its suppliers must do to implement the EMR product.

Where the Applicant has chosen a Local EMR, he or she will need to identify if he or she is joining a Vendor Collaborative Network or is signing an EMR System Management Independent Undertaking, in which case, needs to accompany the Vendor Contract Declaration.

Upon receipt and approval of the Vendor Contract Declaration and the Scope of Work, and if applicable the EMR System Management Independent Undertaking, OntarioMD will process payment of the Readiness Grants in respect of each approved Participating Physician positions. OntarioMD will advise the Applicant of payment amounts and timing. OntarioMD will make funding payable by cheques to **[the Applicant]** in each case.

Vendor Contract Declaration Submission Date: The Applicant must deliver the Declaration, planned Scope of Work and EMR System Management Independent Undertaking (if applicable) to OntarioMD within three (3) months of the Effective Date, or other such date set out in their New EMR Adopter Funding Agreement.

9e. Go-Live Declaration. The Go-Live Declaration confirms that the Applicant has completed implementation of the selected EMR and has successfully installed network connectivity in the practices of the listed Participating Physicians. The Declaration must be accompanied by a copy of the Scope of Work confirming Implementation Acceptance Testing as specified in the Scope of Work has been successfully completed. Upon receipt and approval of a signed Declaration with Scope of Work OntarioMD will initiate payment of the monthly subsidy for each of the approved Participating Physician positions. OntarioMD will advise the Applicant of payment amounts and timing.

Go-Live Declaration Submission Date: The Applicant must deliver its Declarations with their completed Scope of Work for all Participating Physicians to OntarioMD within six (6) months of the Effective Date, or other such date set out in their New EMR Adopter Funding Agreement.

Non-Delivery: In addition to the other remedies available to OntarioMD, if the Applicant does not deliver its Go-Live Declaration(s) by the specified date, OntarioMD may, in its sole discretion, require restitution of the Readiness Grant for the Participating Physicians who did not implement the EMR product.

9f. Performance Declaration. The Performance Declaration confirms that the Applicant's Participating Physicians are using the EMR product in their practices and are now eligible to receive the Performance Bonus as they have established an EMR for the lesser of 2/3 or 600 of their rostered or active patients for each Participating Physician. All Participating Physicians must also complete the online EMR Use Survey. OntarioMD's receipt of a signed Declaration and EMR Use Survey completion is the basis for payment of the Performance Grant for each of the approved Participating Physician positions. OntarioMD will advise the Applicant of payment amounts and timing.

Performance Declaration Submission Date: The Applicant must deliver the Declarations and complete the EMR Use Survey for all Participating Physicians within twelve (12) months of the Effective Date, or other such date set out in their New EMR Adopter Funding Agreement.

10. Other Associated Forms

The following forms are used to set up the account the funding payments will be made to and to advise OntarioMD of any changes regarding the Applicant's Participating Physicians.

10a. Electronic Funds Transfer (EFT) Form. This Form is used by the Applicant to *set up and change* payment instructions to OntarioMD for all payments made to the Applicant. This includes banking information and notification of remittance advice. A voided cheque must be attached to the form and the name on the cheque must match that of the Applicant. All payments will be made to the Applicant's bank account designated in the Form and not to the individual Participating Physicians.

10b. Notice Of Change. The Applicant must use the Notice of Change Form inform OntarioMD of any changes at the Applicant which are required to administer the program. This includes changes in EMR offering (product and version), EMR location, circuit changes, contact information, number of Participating Physicians (departures, replacements and additions), Applicant restructuring and closure of a practice (notice within six (6) weeks of the closure date).

The Applicant must notify OntarioMD of the departure of any funded Participating Physicians within six (6) weeks of their departure. If the departing Participating Physician is leaving his or her equipment with the group and the Applicant indicates to OntarioMD that it will be replacing the departing physician, the monthly subsidy will continue to be paid to the Applicant for the unoccupied funded physician position for up to six (6) months after the "departure date". Thereafter, payment of the monthly subsidy for that funded physician position will only resume when OntarioMD is notified of a replacement physician and the effective "Start Date". OntarioMD will then advise the Applicant of payment amounts and timing.

11. Where Can The Forms Be Found? All program funding forms, the New EMR Adopter Funding Agreement template, these Terms and Conditions and the eHealth Ontario's EMR Connectivity Guidelines can be found at <https://www.ontariomd.ca/newemradopter>.

12. Compliance With Program Requirements. Failure of an Applicant or its Participating Physicians to comply with any or all of these Terms and Conditions may result in OntarioMD, in its sole discretion, suspending future funding payments for physician(s), requesting restitution of funding already paid out and/or terminating the New EMR Adopter Funding Agreement, in whole or in part, which may terminate payments to some or all of the Participating Physicians.

13. Privacy Consent. All Participating Physicians, the Applicant, the Applicant's Lead Physician and the IT Lead and any other "team" involved in the EMR Adoption Program understand and consent that the information collected during delivery of the program will be collected, used, retained and disclosed to administer the EMR Adoption Program and for no other purposes. Only persons and organizations authorized by OntarioMD and eHealth Ontario shall have access to and use of this information.

14. Certified Electronic Medical Record. A certified Electronic Medical Record (EMR) is an EMR offering that (i) has been reviewed by OntarioMD and been found to perform the functions set out in the current EMR Specification (refer to the *Spec Requirements* tab at www.emradvisor.ca/compare) and (ii) that has been certified as eligible for New EMR Adopter funding by OntarioMD. OntarioMD does not perform comprehensive testing of the functions in the EMR specification, nor does it test any function that is not part of the EMR Specification. OntarioMD does not warrant or guarantee the software in any way nor does OntarioMD determine if a particular EMR is appropriate for any particular user. OntarioMD reserves the right, under certain circumstances, to withdraw the certificate for the EMR. If it does so, that EMR will no longer be eligible for New EMR Adopter funding.