



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

1. Program Purpose. The EMR Adoption Program is intended to increase the number of Ontario physicians who use certified electronic medical records applications (“EMR”) 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.

2. 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.

The table below outlines the New EMR Adopter funding per approved Participating Physician position. Note: Where a Participating Physician who is initially funded in the program leaves the group, an eligible replacement physician joining the group would occupy the empty funding position and receive any remaining payments according to the terms and conditions herein.

		Per Approved Participating Physician Position			
		Total Funding	Readiness Grant ¹	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

¹If 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.

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

- a. sole practitioners,
- b. Ministry funded physician groups (e.g., FHNs, FHOs, FHGs, FFS etc.), and
- c. Collaboration Networks.

A Collaboration Network is ten or more physicians working in multiple groups or sole practices that have come together under an informal arrangement to implement an EMR product. Collaboration Networks include physicians who serve a common geographical area, and/or are involved in delivering comprehensive care to a shared patient population. A Collaboration Network cannot be formed from a group of physicians in a single Ministry-funded physician group.

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

- a. Practice-based physicians (i.e. not based only in a hospital or other institution with its own medical records system), both family practitioner and specialist;
- b. Practises medicine with the Applicant;
- c. Holds a valid certificate of registration issued by the College of Physicians and Surgeons of Ontario;
- d. Manages and maintains medical records for their 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 Ministry of Health (e.g. OHIP billings, Alternate Payment Plan payments including income stabilization payments) of more than \$30,000 over the last 12 months; and
- f. Is not using an EMR that was funded under the Primary Care IT program ("PCIT") or any other government program. 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.

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 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 an EMR product certified by OntarioMD (Local or Application Service Provider (ASP) product).
- b. In total, at least 50% of the physicians in the Group must either,
 - a. agree to participate in the New EMR Adopter Funding Program, or
 - b. 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 of an Applicant's must use the certified EMR product, where 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 the private labs supported by the EMR Specification, that are used by the physician

- 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 Participating Physicians of a Group must configure and equip 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:
 - implement and sustain local support solutions to address technical issues; and
 - unless it is a Collaboration Network, require its Participating Physicians to agree that the funded EMR and equipment (e.g. computers, printers) must stay with the Group (when a physician leaves a Collaboration Network and takes the funded EMR with him or her, that physician will not be eligible to re-apply for funding);
 - ensure that the software and hardware for their EMR (e.g., computers, servers, printers etc.) must 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;
 - 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; and
 - if it uses a Local EMR solution, host it at a Participating Physician's office, otherwise ASP EMR applications must be hosted at eHealth Ontario
- i. **Sole Practitioners and Groups of Two:** Sole practitioners and those in a Group of two are required to use a certified ASP EMR application hosted at eHealth Ontario.
- 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 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 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 and planned Scope of Work 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 needs to complete acceptance testing of the EMR and start to use it

and submit Go-Live Declarations and a completed Scope of Work showing completion of Implementation Acceptance Testing.

- f. **Performance Declaration:** Once an Applicant physician has established electronic medical records for 600 or two-thirds of his or her rostered or active patients, whichever is less, the physician can submit a Performance Declaration and EMR Use Survey to OntarioMD 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 the eHealth Ontario's EMR Connectivity Guidelines.

Each Applicant will only have one New EMR Adopter Funding Agreement.

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 the Agreement is 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 a contract for 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. Upon receipt and approval of the Vendor Contract Declaration and the Scope of Work OntarioMD will process payment of the Readiness Grants for each approved Participating Physician positions. OntarioMD will advise the Applicant of payment amounts and timing.

Vendor Contract Declaration Submission Date: The Applicant must deliver the Declaration and planned Scope of Work 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 remedies set out in clause 18 below, if the Applicant does not deliver its Go-Live Declaration(s) by the specified date, OntarioMD may, in its sole discretion, require repayment 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 each have established an EMR for the lesser of 2/3 or 600 of their rostered or active patients. 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.

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 (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 Applicant indicates that it will be replacing the departing physician, the monthly subsidy will continue to be paid to the Applicant for the unoccupied funded physician slot for six (6) months after the "departure date". Thereafter, payment of the monthly subsidy for that funded physician slot 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 Terms and Conditions and eHealth Ontario's EMR Connectivity Guidelines can be found at <http://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 reimbursement 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 not for any other purposes. Only persons and organizations authorized by OntarioMD and eHealth Ontario shall have access to and use of this information.