

REC Vendor Policy

Alaska eHealth Network Policy 5.200

I. PURPOSE

Vendor selection must be a transparent process in which the REC (and any partner) reviews evaluation criteria such as vendor functionality, usability, service levels, contract language and appropriate fee structures. Regional Extension Centers are expected to avoid any business arrangements or contracts that would create an actual or gives the appearance of a conflict of interest with the Regional Extension Center's obligation to act solely in the best interests of advancing meaningful use of certified EHR technology and other health IT by the providers it serves.

Federal Regulations require that "all procurement transactions shall be conducted in a manner to provide, to the maximum extent practical, open and free competition." Pursuant to 45 CFR Part 74.43, it is the Regional Extension Center's responsibility to ensure that procurement and acquisition of services/products, with federal monies, are free of conflict of interests and noncompetitive practices. Regional Extension Centers should maintain any documentation pertaining to the activities of its employees and/or selection committee members engaged in the administration and awards of vendor contracts. RECs must also have, as part of their own procurement process, an appeals process, per 45 CFR 74.41.

II. SCOPE

This applies to all Alaska eHealth Network (AeHN) staff and all vendors who enter into a Vendor Services Agreement, as required by this policy.

III. HISTORY

The Alaska EHR Alliance (AEHRA), on behalf of AeHN and the State of Alaska, conducted a thorough, 8-month vendor selection and contracting process. Initial criteria used to narrow the list of EHRs included the following:

1. Affordable and/or remote host option
2. ePrescribing capability
3. CCHIT certification (National EHR certification process)
4. High ratings by independent organizations ACP, AAFP, and KLAS
5. Guaranteed interface with State health information exchange (HIE) system
6. Included, a practice management system or partner
7. 40% small practice-size clients
8. 70% satisfaction ratings from Alaska physicians in 2009 survey

The selection process was conducted under the following guidelines:

- an open and competitive selection process that strived to ensure full and open competition (45 CFR Part 74.43)

- a selection process that ensured the elimination of the possibility for unfair competitive advantages (45 CFR Part 74.43)
- a process that was based on objective performance measures that are transparent and posted in a request for proposals (45 CFR Part 74.44)
- a process that engaged representatives of the statewide healthcare community actively practicing in Alaska, who are familiar with the unique aspects of practicing in the state.

This process resulted in the selection of two EHR vendors for Alaska providers – Greenway Medical Technologies and e-MDs. Utilizing one of these two vendors will provide a practice with the added benefit of:

- Reduced costs
- Pre-negotiated standard contracts
- Ensuring functionality supports providers

IV. POLICY

AeHN encourages any practice seeking a new EHR solution to examine the work done by the AEHRA for Alaskan providers, however, AeHN understands that other EHR vendors have products and services that also satisfy Stage I Meaningful Use criteria and that these two vendors may not serve the needs of all practices. *The value judgment of how a particular vendor's product satisfies a provider's unique practice and price-point requirements is a judgment that only the provider/practice can make.* As the REC, AeHN will contract with ANY EHR vendor offering certified* EHR products that the respective AeHN member providers/practices choose. AeHN's role is to provide data to its members, not to make the decision for them. AeHN believes it is a significant benefit for any vendor to partner with the AeHN REC, because providers who are REC members can only receive REC payment for services provided by AeHN's vendor partners. In addition, providers will recognize that vendors who partner with AeHN have met certain requirements and standards that are important for all providers.

*Certification is as defined by ONC-Authorized Testing and Certification Bodies (ONC-ATCBs). For more information on EHR certification, visit <http://onc-chpl.force.com/ehrcert>.

All vendors that enter into Vendor Services Agreements are understood to offer products that meet the minimum test of functionality, that have been certified as being capable of satisfying Stage I Meaningful Use criteria (or are anticipated to be), and offer a comprehensive set of support services to both the Regional Extension Center and contracting providers.

V. PROCEDURES

- A. Each vendor must agree to perform provider practice service(s) in accordance with AeHN's Vendor Services Agreement and AeHN's responsibilities as a grantee under AeHN's cooperative agreement with the Office of the National Coordinator for Health Information Technology.
- B. All independent consultants who are evaluating EHR programs should utilize the information gathered in the vendor selection and contracting process described in Section III above. This should include providing the customer with

documentation about the EHR vendor selection process, as provided to the vendor by the REC. In addition, all EHR vendor products must be either:

- a. Certified for stage one Meaningful Use and, based on expert opinion, are expected to be certified to meet stage two and three criteria, or
 - b. Anticipated to AeHN or other appropriate healthcare experts to achieve certification for stage one by the end of 2011 and, based on expert opinion, are capable of certification for stage two and three criteria.
- C. The AeHN REC requires that vendors who are hired to assist a practice in selecting an EHR, EHR training, or other services, do so in a vendor neutral manner. AeHN recognizes that some vendors may provide services in more than one category, but it is the policy of the AeHN REC that its associates maintain a position of vendor neutrality. If a vendor is hired by an AeHN member practice or critical access / rural hospital for assistance with the selection process, that vendor should select appropriate EHR vendors and products to fulfill the practice's needs, regardless of any affiliations such vendor may have.
- D. The AeHN REC also requests that vendors utilize available information and assessments that have already been completed by the REC and other parties in determining the appropriate products and services for a provider. By utilizing existing information as much as possible, vendors can maximize the dollars left for providers to use toward other services, including implementation and training. If providers do not have sufficient funds remaining for these services, they may not meet all of the stages required for reimbursement by the REC and thus vendors may not receive the maximum reimbursement possible. As such, it is for the benefit of all parties involved to utilize existing materials and resources in conducting assessments.
- E. Vendors who have previously negotiated prices with AeHN or the Alaska EHR Alliance must offer their products and services at those prices (or any lower price), if those prices are applicable to the provider. If the vendor is aware that a provider is eligible for negotiated pricing and fails to offer such pricing to the provider, it may be terminated as an AeHN REC vendor. This does not apply to contracts, products or services that were negotiated and agreed upon prior to the Vendor negotiating prices with AeHN or the Alaska EHR Alliance.
- F. Vendors who believe they are being treated unfairly may appeal any decision made by the REC. Such appeals shall be made to the director of the REC within 30 days of receiving the written notification of action or within 30 days after the failure of the REC to comply with REC policy.
- G. The written appeal shall contain pertinent vendor/applicant information, identification of the action being appealed, the specific basis for the appeal and all supporting documentation necessary to substantiate the appeal.
- H. The director or the director's designee shall determine within 15 days if all necessary information has been provided, and may request more information if necessary. The regional extension center director or the director's designee shall issue a decision on the appeal within 60 days of receiving a complete appeal package.
- I. If unsatisfied with the regional extension center director's decision, the vendor/applicant may appeal the decision to the AeHN Board of Directors by

filing an appeal of the decision with the director of the regional extension center within 15 days of receipt of the decision. This appeal shall include all information originally filed with the regional center, along with a copy of the regional extension center's decision and a statement of the issues, facts, documentation and authority identifying why the Board should reverse the regional centers decision. Within 15 days after receipt of the appeal, the regional extension center director or his/her designee shall forward the appeal to the Board.

- J. The Board of Directors shall issue a decision within 60 days of receiving all required or requested information. The Board decision is the final administrative decision. A copy of this decision will be sent to the vendor within 15 days after the decision is rendered. If the vendor is still dissatisfied, it may terminate the Vendor Services Agreement immediately.

REGIONAL EXTENSION CENTER VENDOR POLICY	POLICY #	5.200
APPROVED BY:	ADOPTED:	6/15/2011
	REVISED:	
	REVIEWED:	