

## EXTENSION OF EHR DONATION REGULATIONS CLEAR OMB FOR PUBLICATION

Regulations to extend the exception from the Stark Law and safe harbor from the Anti-Kickback Statute for the donation of electronic health records ("EHRs") have been cleared by the Office of Management and Budget ("OMB") and will be published on December 27. The relevant provisions of the amendments are: (1) the exception/safe harbor for EHR donations is extended through December 31, 2021; (2) an EHR is deemed interoperable if it is a certified EHR by a certifying body authorized by the National Coordinator for Health Information Technology; and (3) laboratory companies are no longer eligible donors.

The extension of the regulations to December 31, 2021 is effective December 31, 2013, and the remaining changes will be effective 90 days after publication of the regulations in the Federal Register. We will provide a more detailed analysis once the final regulations are published.

If you have any questions or would like additional information on this topic, please contact Jeff Short at 317.977.1413 or [jshort@hallrender.com](mailto:jshort@hallrender.com) or your regular Hall Render attorney.