

# EHR Price Transparency

# EHR Price Transparency Overview

## **Clarifying statement from NPRM**

“Put simply, this provision would require EHR technology developers to disclose only the full cost of a certified Complete EHR or certified EHR Module. It would in no way dictate the price an EHR technology developer could assign to its EHR technology, just that a single price for all the capabilities in the certified Complete EHR or certified EHR Module be made publicly available. We believe price transparency would provide purchasing clarity for health care providers and lead to more competitive EHR technology pricing.”

## **Request in NPRM**

“We request comment on the feasibility and value of price transparency for certified Complete EHRs and certified EHR Modules in the manner described.”

# Workgroup Questions for CMS

1. Is this removing the privacy of contracts between private parties compatible with free markets?
2. So would publically posted “list prices” be reflective enough of purchaser reality to offer a clear public benefit. Does this vary by enterprise purchasers vs. small practices?
3. What might the variance from posted “list prices” be? Would we expect there to be less variance in office practices?  
  
What is the experience in selling EMR’s by mass-market retailers such as Walmart?
4. What would be the statutory/ regulatory authority for action by ONC?
5. Is there a need for ONC to regulate public disclosure of price? For example are there studies (provider associations, academic etc). that illustrate a need for public posting of prices. Are there other industries where such action has proven effective? Is there other evidence to suggest that publically mandated list price setting would be advance EMR adoption?
6. What would be the mechanism (ONC-ACB’s) – e.g. require information on developer websites, in market materials, on the ONC website?
7. Publically posted prices can lead to market collusion by providing a mechanism for price signaling without market participants communicating directly. Is anti-trust review needed?

# Workgroup Recommendations

**DRAFT FOR DISCUSSION**

- Although we recognize potential value of this recommendation, it is our position that without clear answers to the questions posed CMS does not include EHR Price Transparency as part of its final rules.
- OR
- Although we recognize potential value of this recommendation, it is our position that CMS does not include EHR Price Transparency as part of its final rules.