

**New EMR Adoption Program Extension 2
EMR Adopter Funding
Terms & Conditions**

PROGRAM PURPOSE. The New EMR Adoption Program Extension 2 is intended to increase the number of Ontario physicians who use OntarioMD Funding Eligible Electronic Medical Record (“EMR”) Offerings (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. EMR Adopter Funding. 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 period of time. 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 EMR Adopter Funding? The following physician groups, organizations, and sole practitioners (“**Groups**”) can apply (be an “**Applicant**”) for New EMR Adopter Funding (“**funding**”),

- a. Ministry of Health and Long-Term Care (MOHLTC)-funded primary care physician groups (“**PCPG**”), e.g., FHNs, FHOs, FHGs, FFS, etc., or a sub- group of physicians in a PCPG whose practice is distinct from those of other physicians in that PCPG according to criteria defined in the Care Group Schedule and who have applied to and been approved by OntarioMD (a “**Care Group**”).
- b. Sole practitioners, except where that sole practitioner otherwise participates in a MOHLTC-funded physician Group that is 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 operation of; or
 - (ii) contracts with in order to practise medicine.

3. Who Can Be a Participating Physician in a Group? A physician who satisfies all the following criteria (“Participating Physician**”) can be included in a Group:**

- a. Practices medicine with or on the premises of the Group;
- b. Holds a valid certificate of registration issued by the College of Physicians and Surgeons of Ontario (CPSO);
- c. Manages and maintains medical records for his or her patients on a Funding Eligible EMR Offering funded by OntarioMD;
- d. Is a practice-based physician (i.e., not based only in a hospital or other institution that has its own medical records system), being either a family practitioner or a specialist;
- e. Is responsible for the maintenance of medical records for his or her patients, and the records are not maintained on an information technology system provided by an organization such as a hospital, long-term care facility or Community Health Centre;
- f. 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; and
- g. 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 not, merely by virtue of having been formerly in such group funded under the PCIT Program, ineligible to apply for the New EMR Adopter Funding.)

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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	Go Live Declaration ¹		Performance Grant ²
New EMR Adoption Program Extension 2	ASP EMR Offering	\$29,800	\$3,500	\$5,000	\$475 per month	\$4,200
	Local EMR Offering	\$27,100	\$3,500	\$5,000	\$400 per month	\$4,200

¹To receive the one-time payment of \$5,000 the Go-Live Declaration must be submitted within 10 months of signing a Funding Agreement (refer to sections 7b and 10d of the Terms and Conditions).

²To receive the one-time payment of \$4,200 the Performance Recognition Declaration and EMR User Survey must be submitted within 22 months of signing a Funding Agreement (refer to sections 7c and 10e of the Terms and Conditions).

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 the 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 replacing 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 occupies the vacated funding position, the replacement physician would receive any remaining payments according to these Terms & Conditions, as set out in section 11(b).
- d) Remaining funding follows a Participating Physician who is a sole practitioner when he/she leaves a Group, provided that he or she continues to qualify for the funding. Funding to the Group in respect of the departing Participating Physician will be terminated as directed by the Participating Physician by his or her providing OntarioMD and the Group (where applicable) written notice of his or her departure from the Group. To commence re-direction of payment of the remaining ongoing funding, the departing Participating Physician must advise OntarioMD of the new Group he or she is joining, or sign a New EMR Adopter Funding Agreement and submit an EFT Form as set out in section 11(a). Where the Participating Physician joins a different Group, the Group must submit a Notice of Change adding the Participating Physician to the Group, as set out in section 11(b).

5. Funding Prioritization: Funding will be prioritized 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 & Conditions. All decisions regarding the Applicant’s eligibility for funding, including without limitation the eligibility of the Applicant and Participating Physicians, whether the Applicant satisfies eHealth Ontario’s funding prioritization criteria and the number of funded Participating Physician positions, will be determined solely by OntarioMD.

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7. Program Duration & Deadlines. The EMR Adoption Program will be in effect for the period April 1, 2014 to March 31, 2015.

Application Deadline: Completed New EMR Adopter Funding applications must be received by OntarioMD by September 30, 2014.

Funding Agreement Deadline: New EMR Adopter Funding Agreement must be signed by approved Applicants and received by OntarioMD by December 31, 2014.

Applicant Specific Deadlines are documented in the New EMR Adoption Funding Agreement but must conform to milestone requirements as described below:

a) The Vendor Contract Declaration (VCD) milestone requires that the following forms must be submitted to OntarioMD at the same time:

- Vendor Contract Declaration form
- Mandatory EMR Funding Eligibility Schedule (part of Vendor/Physician Contract)
- Appendix A - Vendor and Physician Checklist (part of Vendor/Physician Contract)

The Deadline Date for submission of Vendor Contract Declaration (VCD) forms to OntarioMD is six months (6) from the signing of the New EMR Adopter Funding Agreement and must be recorded in the New EMR Adopter Funding Agreement.

b) The Go-Live Declaration (GLD) milestone requires that the following forms must be submitted to OntarioMD at the same time:

- Go-Live Declaration form
- Implementation Acceptance Testing (IAT) Review
- Appendix A - Vendor and Physician Checklist (part of Vendor/Physician Contract)

The Deadline Date for submission of the Go-Live Declaration form to OntarioMD is ten months from the signing of the New EMR Adopter Funding Agreement to receive the one-time payment and to start monthly subsidies. OntarioMD's Practice Management Consultant will then complete and submit Appendix A – Vendor and Physician Checklist and the IAT Review for each practice location.

Where Go-Live requirements have not been met due to reasons beyond the control of physicians (e.g. vendor-related issues), and where eHealth Ontario has agreed in writing to the exemption as presented by the Applicant and OntarioMD, the Go-Live one-time payment may be permitted. In any case, monthly payments will not be made after October 31, 2018.

c) The Performance Recognition Declaration (PRD) plus Survey milestone requires that the following forms must be submitted to OntarioMD at the same time:

- Performance Declaration form
- EMR Progress Reporting (EPR) `User Survey`

The Deadline Date for submission of Performance Recognition Declaration forms to OntarioMD is 22 months from achievement of the Funding Agreement milestone and must be recorded in the New EMR Adoption Program Extension 2 Agreement.

Where Performance Recognition requirements have not been met due to reasons beyond the control of physicians (e.g. vender-related issues), and where eHealth Ontario has agreed in writing to the exemption as presented by the Applicant and OntarioMD, a Performance Recognition payment may be permitted.

d) The EMR Progress Reporting (EPR) User Survey, or its successor, must be completed annually no later

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than either the anniversary of the effective date of the Performance Recognition Declaration or The Go-Live Declaration, whichever is later.

8. Limitations and Indemnity.

- a. **Limitation of Liability.** Any harm or loss suffered by a Group or member of a Group or OntarioMD as result of any breach by the other of them shall be compensated by way of a claim for direct damages actually proven only and in no event shall either of them be liable to the other for incidental, indirect, exemplary, punitive, or consequential loss or damage (even if the party causing such loss or damage has been advised or had knowledge of the possibility of same or could have reasonably foreseen same), as well as damages such as lost business revenue, loss of profits, failure to realize expected profits or savings, or loss of data. The aggregate liability of a liable party for damages related hereto for any cause or causes whatsoever under any theory of law, and whether in contract or in tort or otherwise, is limited to the aggregate amounts actually paid by OntarioMD to Group pursuant to the New EMR Adoption Program Extension 2 that is the subject of these Terms & Conditions.
- b. **Vendor Software.** ONTARIOMD MAKES NO REPRESENTATIONS OR WARRANTIES, EXPRESS OR IMPLIED, CONCERNING THE FUNCTIONALITY, MERCHANTABILITY QUALITY, NON-INFRINGEMENT OR FITNESS FOR PURPOSE OF ANY EMR CHOSEN BY GROUP OR PARTICIPATING PHYSICIANS.
- c. **Indemnification by Group.** Group and each of its Participating Physicians shall indemnify, defend and hold harmless OntarioMD from claims and liabilities of third parties and losses, damages, causes of action or injuries arising from such third party claims, costs and expenses where the claim of such third party has resulted from any gross negligence or wilful misconduct on the part of Group or any of its Participating Physicians or from its or their failure to comply with all applicable governmental laws, rules, ordinances and regulations, including canons of ethics and by-laws of the College of Physicians and Surgeons of Ontario.

9. 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 Funding Eligible EMR Offering (i.e., an OntarioMD Funding Eligible Application Service Provider (ASP) or Local EMR Offering);
- b. Where fewer than 50% of the physicians in the Group participate in the New EMR Adopter, EMR Product Upgrade and PCIT EMR Funding Programs, the Group must submit documentation verifying that the remaining members of the Group would agree to adopt the EMR Offering chosen by the Participating Physicians should any remaining member of the Group decide to participate in the EMR Adoption Program in the future.

Where the Group has a governance process that has defined a document (“**Document**”) that records the Group’s decision, the Document, signed by the Lead Physician, must be submitted with the Group’s Funding Application and such Document shall be deemed to be binding upon the Group and the Participating Physicians.

If the Group does not have a governance process that documents Group decisions then all Non-Participating Physicians must sign the Non-Participating Physician Consent form, signed also by the Lead Physician, which form must be submitted with the Group’s Funding Application;

- c. For the duration of their Funding Period, All Participating Physicians in a Group must USE THE SAME VERSION of a Funding Eligible EMR Offering;

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d. In order for a Group to receive New EMR Adopter Program Funding under these Terms and Conditions, **each Participating Physician must be using an EMR Offering that conforms to the latest Ontario EMR Specification and:**

i) Release of new EMR Specification

- A. If the Group's **EMR VENDOR RELEASES** a version of its EMR Offering that is Funding Eligible for Ontario's latest EMR Specification, UPGRADE to the latest Funding Eligible version of that EMR Offering **within eight (8) months of the latest EMR Specification's General Availability Date**; or
- B. If the Group's **EMR VENDOR DOES NOT RELEASE** a version of its EMR Offering that is Funding Eligible for Ontario's latest EMR Specification COMMIT TO MIGRATE to a different Funding Eligible EMR Offering **within twelve (12) months after the latest EMR Specification General Availability Date**;

ii) Fix Release

If a Fix Release is issued for the Group's EMR Offering during the Funding Period to eliminate a deficiency, the Group's Participating Physicians must upgrade to the Fix Release of the EMR Offering within four (4) months, or the period specified by OntarioMD, of the Fix Release's General Availability Date;

iii) Not upgraded within required time period

Participating Physicians/Groups who have not upgraded within the required time period may have their subsidies suspended and payments will only be reinstated upon receipt and acceptance by OntarioMD of an EMR Upgrade Notice of Change;

e. For the duration of his or her Funding Period, each of the Participating Physicians must USE THE FUNDING ELIGIBLE EMR Offering, where possible, to:

- i. electronically create, manage and share patient information for his or her patients:
 - electronically receive patient reports directly into the EMR from hospitals where a hospital reporting facility is available for the EMR Offering
 - enter encounter notes for patients seen
 - enter problem lists for patients seen
 - store patient care related documents not originating from an EMR, which contain information not already within the EMR;
- ii. schedule all patient appointments;
- iii. bill for services;
- iv. make new prescriptions / renewals and use EMR-generated alerts to help avoid drug-to-drug interactions;
- v. generate automated alerts / reminders to support care delivery, including preventive care management;
- vi. receive lab results electronically, directly into the EMR from either:
 - the private labs supported by the EMR Specification, that are used by the physician, or
 - the Ontario Laboratories Information System (OLIS)
- vii. be able to search OLIS directly from the EMR for lab results pertaining to patients

f. Participating Physicians must attest to using the Funding Eligible EMR as per conditions 9e. above, by completing the EPR User Survey, or its successor, and thereafter annually no later than either the anniversary of the effective date of the Performance Recognition Declaration or the Go-Live Declaration

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milestones, whichever is later. It is mandatory for participating physicians to complete the survey annually to maintain monthly subsidies.

- g. OntarioMD and eHealth Ontario have the right to confirm each Participating Physician's use of the EMR Offering by on-site audit of the Group's EMR Offering or such other means as OntarioMD or eHealth Ontario may decide;
- h. All Participating Physicians in a Group, or an approved Care Group, must configure and equip his or her practice so that:
 - he or she 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
 - he or she, and relevant support staff, have ready access to a printer to support care delivery activities (e.g., patient education, prescription printing) and administrative activities.
 - Where a Care Group uses an EMR that is different from an EMR used by other physicians in the PCPG, and the Care Group provides services to those other physicians' patients (e.g., after hours coverage), the Care Group physicians must have 'read' access to the electronic medical records of any of those patients that are on the different EMR that is used within the PCPG.
- i. The Applicant must:
 - have an agreement with each 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 the Group's EMR (e.g., computers, servers, printers etc.) meet or exceed its EMR vendor's recommended requirements;
 - on or before the Go-Live Date, acquire and use commercially available network connections (1 for Local and 2 for ASP) from a provider other than eHealth Ontario 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.
- j. Acquire and implement one of the following:
 - i. a Funding Eligible ASP EMR Offering and use it as per ASP EMR Vendor's and OntarioMD's best practices, including:
 1. Implement two network circuits;
 2. Implement and sustain local support to address technical issues;
 3. Obtain EMR training from the EMR Vendor for each user of the EMR;
 4. Develop a business continuity plan for aspects not covered in the Vendor's ASP business continuity plan; and
 5. Keep all patient data downloaded from the ASP EMR secure, both physically and using IT best practices; and

OR

 - ii. a Funding Eligible Local EMR Offering 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,

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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 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;
- k. If, at any time, OntarioMD determines that the Applicant has open funded physician positions from the PCIT, New EMR Adoption and EMR Enhanced Use Program, the applicant must first fill those open positions before applying for additional New EMR Adoption Program Extension 2.

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

New EMR Adoption Program Extension 2 Funding Application: Completion of the Funding Application and submission to OntarioMD for review.

An Applicant must complete and submit to OntarioMD a New EMR Adoption Program Extension 2 Application form, including a Care Group Schedule if applicable. Upon receiving the application, OntarioMD will review the application to confirm completeness, determine the funding eligibility for the Applicant and its Participating Physicians, and where a Care Group Schedule has been submitted, whether the Applicant has been approved as a Care Group. 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 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 Adoption Program Extension 2 Application. Funding only becomes payable once the Applicant enters into the New EMR Adoption Program Extension 2 Funding Agreement and meets the payment milestone requirements as defined in the Terms & Conditions herein.

New EMR Adoption Program Extension 2 Funding Application Deadline: Complete New EMR Adopter Funding applications must be received by OntarioMD by September 30, 2014.

- a. **New EMR Adoption Program Extension 2 Funding Agreement:** A New EMR Adoption Program Extension 2 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.

A New EMR Adopter Program Extension 2 Agreement consists of covering and signature pages, these Terms & Conditions, New EMR Adopter Program Extension 2 Application with original physician signatures, approved Care Group Schedule, if applicable, and eHealth Ontario's EMR Connectivity Guidelines at https://www.ontariomd.ca/ir/EMR_Connectivity_Guidelines.pdf

Each Applicant will only have one New EMR Adoption Program Extension 2 Funding Agreement and will have only one EMR solution for all Participating Physicians, except in the case of an approved Care Group where a different EMR is permissible.

All Notices of Change and EFT Forms (*Refer to item 11 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.

Upon receipt of the original Funding Agreement signed by both the Applicant and OntarioMD, OntarioMD will commit to providing the funds according to the Agreement and the Terms & Conditions herein, so that the Applicant's Participating Physicians can proceed to sign contracts for supply of a Funding Eligible EMR application and associated hardware and services. A signed and approved copy of the Funding Agreement will be mailed to the Group Lead Physician.

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 Program Extension 2 Agreement must be signed by the Applicant and received by OntarioMD by December 31, 2014.

- b. **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, Mandatory EMR Funding Eligibility Schedule, Appendix A - Vendor and Physician Checklist, and if applicable, EMR System Management Independent Undertaking, to OntarioMD within six (6) months of the Effective Date, or other such date

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set out in the New EMR Adopter Program Extension 2 Agreement.

The Applicant's Vendor Contract Declaration confirms that the Applicant has signed a contract with a Vendor for a Funding Eligible EMR Offering and related services. The Declaration must be accompanied by a copy of the Applicant's Mandatory EMR Funding Eligibility Schedule and Appendix A - Vendor and Physician Checklist. The Mandatory EMR Funding Eligibility Schedule is an addendum to the Applicant and Vendor contract and contains the Technical Implementation Dates for the EMR for each clinic location of the Group. The Appendix A - Vendor and Physician Checklist forms part of the EMR 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, the Mandatory EMR Funding Eligibility Schedule, the Appendix A - Vendor and Physician Checklist and if applicable, the EMR System Management Independent Undertaking, OntarioMD will process payment of the Readiness Grants in respect of each approved Participating Physician position. 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, Mandatory EMR Funding Eligibility Schedule, the Appendix A - Vendor and Physician Checklist and EMR System Management Independent Undertaking (if applicable) to OntarioMD within six (6) months of the Effective Date, or other such date set out in their New EMR Adopter Funding Agreement.

Vendor Contract Declaration Submission Deadline: June 30, 2015.

- e. **Go-Live Declaration:** Within ten (10) months of the Effective Date, or other such date set out in the New EMR Adoption Program Extension 2 Funding Agreement, the Applicant must submit the Go-Live Declaration and will work with OntarioMD's Practice Management Consultant to complete Appendix A – Vendor and Physician Checklist and the Implementation Acceptance Testing (IAT) Review showing implementation and use of the EMR, for each practice location.

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 Appendix A - Vendor and Physician Checklist and the Implementation Acceptance Testing (IAT) Review, confirming Implementation Acceptance Testing has been successfully completed. Upon receipt and approval of a signed Declaration with Appendix A - Vendor and Physician Checklist, and the IAT Review, 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.

The Go-Live Declaration (GLD) milestone requires that the following forms must be submitted to OntarioMD at the same time:

- Go-Live Declaration form
- Implementation Acceptance Testing (IAT) Review
- Appendix A - Vendor and Physician Checklist (part of Vendor/Physician Contract)

The Deadline Date for submission of the Go-Live Declaration form to OntarioMD is ten months from the signing of the New EMR Adopter Funding Agreement to receive the one-time payment and to start monthly subsidies. OntarioMD's Practice Management Consultant will then complete and submit Appendix A – Vendor and Physician Checklist and the IAT Review for each practice location.

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Where Go-Live requirements have not been met due to reasons beyond the control of physicians (e.g. vendor-related issues), and where eHealth Ontario has agreed in writing to the exemption as presented by the Applicant and OntarioMD, the Go-Live one-time payment will be permitted. In any case, monthly payments will not be made after October 31st, 2018.

Go-Live Declaration Submission Deadline: October 31, 2015.

f. **Performance Declaration:** Once a Participating Physician has established electronic medical records for the lesser of 600 or two-thirds of his or her rostered or active patients, the Participating Physician can submit a Performance Declaration and EPR Survey to OntarioMD to entitle the Group to receive the one-time Performance Grant.

The Participating Physician must also complete the online EPR Survey. OntarioMD's receipt of a signed Declaration and EPR Survey completion is the basis for payment of the Performance Grant to the approved Participating Physician.

Performance Declaration Submission Date: The Participating Physician must deliver the Declarations and complete the EPR Survey within twelve (12) months of the Go-Live Declaration achievement date.

Where Performance Recognition requirements have not been met due to reasons beyond the control of physicians (e.g. vendor-related issues), and where eHealth Ontario has agreed in writing to the exemption as presented by the Applicant and OntarioMD, a Performance Recognition payment will be permitted.

Performance Recognition Submission Deadline: October 31, 2016.

i. **EPR Survey:** The EPR Survey, or its successor, must be completed by each Participating Physician annually, no later than either the anniversary of the effective date of the Performance Recognition Declaration or the Go-Live Declaration milestones, whichever is later.

Failure to complete annual survey will result in suspension of EMR Subsidies. Funding will only be reinstated upon OntarioMD's determination that the EPR Survey has been fully completed.

11. 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.

11a. 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.

11b. Notice Of Change. The Applicant must use the Notice of Change Form to inform OntarioMD of any changes at the Applicant which are required to administer the program. This includes changes in 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 Physician's departure within six (6) weeks prior to his or her 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

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physician and his or her effective “Start Date”. OntarioMD will then advise the Applicant of payment amounts and timing.

If the Group is **not** seeking a replacement for the departing physician, the monthly upgrade subsidy will cease immediately. **It is the duty of the Group to notify OntarioMD in writing if a replacement for the departing physician is not being sought.**

Note: OntarioMD has the right to suspend payments if a Participating Physician is no longer listed as a signatory to a MOHLTC-funded primary care physician group (PCPG), e.g., FHN, FHO, FHG, FFS etc., or a sub-group of physicians in a PCPG, whose practice is distinct from other physicians in that PCPG according to criteria defined in the Care Group Schedule and who have applied to and have been approved by OntarioMD.

11c. EMR Upgrade Notice of Change. The Applicant must use the EMR Upgrade Notice of Change Form to inform OntarioMD of any changes to a selected EMR (either new EMR Offering or upgrade of an existing EMR Offering) that could affect the Group’s participation in the EMR Adoption program. This includes changes in the Group’s EMR Offering (product, version, specification).

12. Compliance With Program Requirements. Failure of an Applicant or its Participating Physicians to comply with any or all of these Terms & 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 the members of any other “team” involved in the EMR Adoption Program understand and consent that the personal information and other 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. Funding Eligible Electronic Medical Record. A Funding Eligible 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 Adoption 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 or any service rendered by an EMR vendor in any way nor does OntarioMD determine if a particular EMR is appropriate for any particular user. **(See section 8 for disclaimer and limitation of liability.)** OntarioMD reserves the right, under certain circumstances, to withdraw or suspend the certificate for the EMR. If it does so, that EMR will no longer be eligible for EMR New Adoption funding.

All program funding forms and these Terms & Conditions can be found at <http://www.ontariomd.ca/newemradopter>, and the EPR Survey can be found at www.ontariomd.ca/cmsusersurvey