

COMMONWEALTH OF MASSACHUSETTS

BOARD OF REGISTRATION IN MEDICINE

POLICY 15-03

(Adopted March 5, 2015)

POLICY FOR REQUESTS FOR ELECTRONIC HEALTH RECORDS WAIVER  
UNDER 243 CMR 2.06(2)(d)

Initial Licenses

According to M.G.L. c. 112, § 2, an applicant for a Massachusetts medical license must demonstrate proficiency with electronic health records as a prerequisite to licensure. An applicant applying for an initial full license under 243 CMR 2.02 or 2.03 must meet the EHR requirements of 243 CMR 2.02(2)(f). There is no waiver provision available for an applicant for an initial full license.

Renewing and Reviving Licenses

If a licensee renewing or reviving his/her license cannot demonstrate proficiency with electronic health records at the time of renewal or revival without “undue hardship,” the licensee may submit a Waiver Request pursuant to 243 CMR 2.06(2)(d)2.

2. Waiver of the EHR Proficiency Requirement. For purposes of this section, a waiver means an extension of time with which to demonstrate EHR Proficiency. A licensee may apply to the Board for a waiver of the EHR Proficiency requirement.

- a. The Board may, in its discretion, grant a 90-day waiver of the EHR Proficiency 243 CMR requirement due to undue hardship in meeting the requirement.
- b. The licensee must submit the waiver request to the Board no later than 30 days prior to the license renewal date. Only in exceptional circumstances shall the Board permit a licensee to file a waiver request less than 30 days prior to the licensee's renewal date.
- c. The Board may extend the validity of the applicant's license through the period of the waiver.

243 CMR 2.06(2)(d)

The Meaning of a “Waiver” of the E.H.R. Requirement

The E.H.R. Waiver is a 90-day extension of time with which to demonstrate E.H.R. proficiency. At the end of the 90-day period, the licensee must satisfy the E.H.R. requirement and must certify that he/she is now in compliance with the E.H.R. requirement. A waiver is a postponement of the E.H.R. requirement and does not obviate it.

The Undue Hardship Requirement

It is the licensee's responsibility to demonstrate "undue hardship." The granting of an E.H.R. Waiver Request is within the discretion of the Board or its designee. Pursuant to 243 CMR 2.06(2)(d)(2), the Board may extend the validity of the licensee's license through the period of the waiver.

The Board hereby delegates to the Director of Licensing the authority to review Requests for an E.H.R. Waiver under 243 CMR 2.06(2)(d)2. The Director of Licensing will review each Request for E.H.R. Waiver on a case-by-case basis. The Request for E.H.R. Waiver shall include a description of the special circumstances that prevent the licensee from being currently able to demonstrate E.H.R. proficiency. A licensee may qualify as having an "undue hardship" under this delegation only as a result of illness or active military service.

#### Procedure for Waiver

Licensees seeking an E.H.R. Waiver are strongly urged to submit a Request for an E.H.R. Waiver well in advance of their license renewal date. The licensee making the request shall use the approved licensing form. The licensee shall submit the request no later than 30 days prior to the license renewal date. Only in exceptional circumstances shall a licensee submit a Request for E.H.R. Waiver less than 30 days prior to the license renewal date.

The Board hereby delegates to the Director of Licensing the authority to approve Requests for an E.H.R. Waiver if the licensee demonstrates that he/she has an "undue hardship" due to illness or active duty military service.

If the Director of Licensing determines that a Request for an E.H.R. Waiver does not meet the criteria identified above, the Director of Licensing shall present the Request for Waiver to the Licensing Committee for determination.

If the Licensing Committee denies a Request for an E.H.R. Waiver, the applicant may ask the full Board to review the Request for an E.H.R. Waiver. Pursuant to 243 CMR 2.06(2)(d), the Board may extend the validity of the applicant's license until a final decision is reached.