



# Transparency Attestation

This document explains the new transparency attestation required for product certification in the ONC Health IT Certification Program. The developer must attest, either in the affirmative or negative, to making transparent and visible the costs and performance of its certified health IT products and services.

The Drummond Group LLC ONC-ACB **must** have this information prior to issuing a certification. Per ONC regulations, your response to the transparency attestation will be made public on the Certified Health IT Product List (CHPL).

In this document you will find

- an [Overview of the ONC Regulation](#)
- instructions for completing the [Transparency Attestation Submission](#)
- the [Transparency Attestation Form](#)



## Overview of ONC Regulation

*This section is an overview of the transparency attestation requirements. For a complete explanation of the price transparency requirements, refer to the ONC 2015 Edition Final Rule found here:*

<https://www.gpo.gov/fdsys/pkg/FR-2015-10-16/pdf/2015-25597.pdf>

Regulation § 170.523(k)(2) states that as a condition of certification, a health IT developer must submit an attestation of developer's commitment to making transparent and visible the costs and performance of its certified health IT products and services to all who inquire. This statement of attestation can be affirmative in agreeing to this commitment or negative in declining to make this commitment.

Either of the options is acceptable for certification, and a negative attestation will not impede certification being awarded. A developer's attestation under 45 CFR § 170.523(k)(2) does not broaden or change the scope of the information a developer is required to disclose under 45 CFR § 170.523(k)(1).



## Transparency Attestation Submission

Your organization can provide a transparency attestation to Drummond through one of the following options:

1. Access and complete the attestation electronically using the [Online Transparency Attestation Form](#).

--OR--

2. Complete the attached Transparency Attestation Form and send to Melissa Martin ([MelissaM@drummondgroup.com](mailto:MelissaM@drummondgroup.com)), EHR Registration Coordinator. The document must be dated and signed by an authorized representative who has the legal authority to represent the company.



## Transparency Attestation Form

The 2015 Edition Final Rule includes a new transparency attestation requirement (170.523(k)(2)) that is applicable to all health IT developers whose product(s) have been issued a 2014 Edition certification and will be issued a 2015 Edition certification. A developer only needs to respond to the attestation once, even if it has multiple product certifications. All health IT developers must make one of the following attestations:

### In the affirmative:



In support of enhanced marketplace transparency and visibility into the costs and performance of certified health IT products and services, and the business practices of health IT developers, **[Marquis Software Development, Inc.** hereby attests that it will provide in a timely manner, in plain writing, and in a manner calculated to inform, any part (including all) of the information required to be disclosed under 45 CFR § 170.523(k)(1) under the following circumstances:

- **To all persons who request such information.**
- **To all persons who request or receive a quotation**, estimate, description of services, or other assertion or information from *[Developer Name]* in connection with any certified health IT or any capabilities thereof.
- **To all customers prior to providing or entering into any agreement** to provide any certified health IT or related product or service (including subsequent updates, add-ons, or additional products or services during the course of an on-going agreement).

- OR -

### In the negative:



**[Developer Name]** hereby attests that it has been asked to make the voluntary attestation described by 45 CFR § 170.523(k)(2)(i) in support of enhanced marketplace transparency and visibility into the costs and performance of certified health IT products and services, and the business practices of health IT developers. **[Developer Name] hereby declines to make such attestation at this time.**

- OR -

### Self-developer exclusion:



**[Developer Name]** hereby attests that it is a self-developer exempt from the disclosure requirements at 45 CFR §§ 170.523(k)(1)(iii) and 170.523(k)(2). **[Developer Name]** further attests that as a self-developer it does not and will not market, sell, or license its certified Health IT Module(s).

*Pursuant to the 2015 Edition Final Rule, ONC-ACBs must include developers' attestations (i.e., a "yes" or "no") in the information submitted to National Coordinator for inclusion in the CHPL. Please take note that a developer's attestation under 45 CFR § 170.523(k)(2) does not broaden or change the scope of the information a developer is required to disclose under 45 CFR § 170.523(k)(1).*

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Senior Management approval signature and date signed