



**ONC HIT Certification Program
Transparency Attestation Requirement: 45 CFR § 170.523(k)(2)**

The 2015 Edition Final Rule includes a new transparency attestation requirement that is applicable to all health IT developers whose product(s) have been issued a 2014 Edition or later 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, _____ 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 MaxMD 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:



MaxMD 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 and MaxMD hereby declines to make such attestation at this time.

- OR -

Self-developer exclusion:



MaxMD 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). MaxMD 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).

Completing and submitting this form attests to the accuracy of the statements provided above. The information below should be typed in text format; a handwritten signature is not required.

Bruce Schreiber
Name of Authorized Individual

CTO
Title

4/20/2016
Date