

ADVISORY NOTICE – Accurate Information Regarding OSCAR 12.1.1 and TOU

The purpose of this Advisory Notice is to provide accurate information about OSCAR 12.1.1 and the OSCAR EMR Terms of Use (TOU) Agreement in response to recent inquiries from physicians.

OSCAR 12.1.1 Security and Stability

- OSCAR 12.1.1 (OSCAR EMR Affiliated Product) is secure, stable and meets the requirements of an Ontario EMR Specification 4.1A Eligible Offering.
- As open-source software, OSCAR is continuously strengthened by peer review informed by users and developers.
- **Physicians using OSCAR 12.1.1 (OSCAR EMR Affiliated Product) have confirmed its security, stability and value**, and are open to speaking directly with any other physician who may be interested in further detail. OSCAR EMR would be happy to facilitate introductions.

OSCAR EMR Terms of Use (TOU) Agreement

- OSCAR is electronic medical record software that is based on open-source code freely available to anyone who wishes to use it or modify it in accordance with the terms of its open-source GPL Version 2+ license.
- OSCAR as an Affiliated Product of OSCAR EMR must also comply with the open-source license in addition to meeting the requirements defined by OSCAR EMR that flow from regulation and certification processes (e.g. the Ontario EMR Specification and OntarioMD EMR Funding Eligibility Agreement). **OSCAR 12.1.1 (OSCAR EMR Affiliated Product) is the only version that complies with the Ontario EMR Specification 4.1A and meets the terms of the OntarioMD EMR Adoption Program.**
- To register OSCAR 12.1.1 with OSCAR EMR as an Affiliated Product, physicians must complete and submit the TOU. **Without a TOU, the software installed is not affiliated with OSCAR EMR and is, therefore, not the Funding Eligible OSCAR 12.1.1.**
- The TOU sets out the relationship and terms between OSCAR EMR (the Vendor of the Funding Eligible Offering), the Approved OSCAR Service Provider (authorized by OSCAR EMR to install and support the Funding Eligible Offering under a Service Contract with physicians) and physicians (OSCAR users). OSCAR EMR is not a party to the service contract so the physician must register their OSCAR software with OSCAR EMR as the Vendor by completing the TOU.

- OSCAR EMR's Funding Eligible Offering is free of any software licensing fees, and requires a contribution of just \$25/month/physician (Certification Fees) to **support the not-for-profit operations that maintain OSCAR's funding eligibility and, more importantly, provide leadership and facilitation toward the vision, "One Cause. One Team. One OSCAR."** Certification Fees were introduced in 2012 to cover the ongoing costs incurred by OSCAR EMR in meeting the expanded regulatory requirements introduced by OntarioMD (e.g. that Vendors be ISO 13485:2003 certified).
- OSCAR EMR is governed by OSCAR users and fulfills its mandate on behalf of the evolving OSCAR community. **With OSCAR users at its heart, OSCAR EMR ensures OSCAR remains open and free of proprietary lock-in** through affiliation with a formalized a network of Approved OSPs and Approved OSCAR Self-Service Providers (Approved OSSP), giving physicians many options from which to determine best fit with OSCAR. **Its work that benefits all is "by OSCAR users for OSCAR users"**. As such the TOU requires that in, receiving these benefits, the OSCAR user indemnifies and releases OSCAR EMR and McMaster University of liability, and agrees not to pursue any claims against them **related only to their own or their clinic's use of the OSCAR system** or the performance of their Approved OSP related to their OSCAR system. This indemnification and limitation on liability extends to McMaster University given McMaster's leadership role in OSCAR and in the creation of OSCAR EMR.

For more information, or if you have any questions, please contact OSCAR EMR (info@oscar-emr.org). We look forward to hearing from you!

About OSCAR EMR

OSCAR-EMR is a not-for-profit organization governed by OSCAR users that stewards the collaboration and OSCAR code management on behalf of the open-source software community we serve. Together with the OSCAR Canada User Society and affiliated Approved OSP/OSSPs, OSCAR EMR is committed to providing a robust and comprehensive software product and preserving the effectiveness and integrity of the collaborative open-source software model. This commitment is evident in **OSCAR's achievement of Canada Health Infoway Certification (J Class), its status as an Ontario EMR Specification 4.1A Funding Eligible Offering, and its recent verification as IHE compliant. OSCAR offers the perfect blend of user-driven features and functions while meeting established and progressive regulatory requirements for security, privacy and interoperability.**

Our Cause

Continuous improvement in health enabled in part by a secure, innovative, robust and scalable open source EMR developed and sustained through strong, transparent collaboration among engaged clinicians across diverse practice settings.

OSCAR EMR's Commitment to, and on behalf of, the OSCAR Community:
One Cause. One Team. One OSCAR.



- Keep OSCAR open and free of proprietary lock-in
- Continuously improve the OSCAR software's quality and functions
- Maintain the ISO 13485:2003-certified Quality Management System that encompasses the collaborative design, build and testing of the software through to end-user support and experience
- Maintain OSCAR as a Funding Eligible Offering in Ontario by meeting the following requirements:
 - Ensure all physicians participating in the EMR Adoption Program receive the software validated as Funding Eligible by OntarioMD
 - Ensure any modifications made to the Funding Eligible software used by physicians are approved by OSCAR EMR and identified to, and validated by, OntarioMD
 - Ensure any integration between the Funding Eligible software and other value-add applications or services used by physicians is approved by OSCAR EMR and identified to, and validated by, OntarioMD
- Maintain Canada Health Infoway certification and IHE verification, and achieve other certifications of interest and value to OSCAR Users