



HIMSS Response to the “Health-e Information Technology Act of 2008”, H.R. 6898
September 30, 2008

OVERVIEW

HIMSS’ response letter to the “Health-e Information Technology Act of 2008”, H.R. 6898 can be accessed on the [HIMSS Web site](#). HIMSS believes that with some modifications, common ground can be found on this legislation to meet all stakeholders’ goals. HIMSS has two primary concerns with this legislation including (1) the potential discounting of “AHIC 2.0”, and (2) our belief that the federal government should not develop or provide for an open source “health information technology system”. HIMSS supports open source code as a component of an EHR system and supports federal government funding in the form of grants, loans or other incentives for providers to procure a certified Electronic Health Record system. HIMSS does not support the federal government developing a system, just like we would not support the federal government developing any other product or service, to compete with the private sector. As one Hill staffer told HIMSS a while ago, "This would be like the Department of Defense developing a new automobile to compete against Ford and Chrysler."

BACKGROUND

During the 110th Congress, HIMSS has tracked and worked with Congress on over 100 separate pieces of HIT legislation, providing its members’ feedback on numerous topics. On September 15, Representative Stark (D-CA), Chairman of the House Ways and Means Committee’s Subcommittee on Health, introduced new HIT legislation (“Health-e Information Technology Act of 2008”, H.R. 6898) and welcomed feedback from all stakeholders. On Friday, September 26, HIMSS sent a letter to Chairman Pete Stark and Ranking Member Dave Camp in response to their newly introduced legislation.

REVIEW & ANALYSIS PROCESS

To provide a timely and informed response to Representative Stark, as well as the Committee members and Congressional Staff, HIMSS used its normal process of conducting a formal review/analysis of the legislation via our Steering Committees, Task Forces, and Board of Directors. Via this process, HIMSS members are actively engaged in crafting responses, thereby giving multiple stakeholders a voice.

SUPPORT

As the culmination of the process, HIMSS supports many of the legislation’s provisions and has concerns on the potential repercussions of two provisions in the legislation.

As referenced in the letter, HIMSS supports many aspects of this legislation, such as:

- Codification of the Office of the National Coordinator for Health Information Technology (ONC);
- Support for the nationwide electronic exchange of health information;
- Development of a federal strategic plan for healthcare IT;
- Financial incentives for healthcare providers to adopt and use healthcare IT; and
- Promotion of measures to protect the confidentiality, integrity and availability of personal health information.

CONCERNS

HIMSS believes the legislation has potentially negative consequences, including discounting the current efforts of “AHIC 2.0” and federal government development of an open source “health information technology system”. Note that HIMSS’ concern is focused on the *federal government’s development* of a system; not an opposition to open source software.

SUMMARY

HIMSS actively supports the industry’s exploration and utilization of open source software as one avenue for information technology solutions within the healthcare industry. HIMSS has several volunteer Work Groups focused on open source including the HIMSS HIE Open Source Task Force. This Task Force released a white paper in June, 2008, Evaluating Open Source Software for Health Information Exchange which is considered a primer on current open source in the health information exchange (HIE) environments that is applicable across all sectors of the healthcare industry including HIEs, hospital providers, ambulatory providers and others.

Currently, this Task Force is working on a new white paper focused on case studies and lessons learned around deployment of open source within healthcare. In addition to spearheading the HIE Open Source Task Force, HIMSS is a co-founder of the “Integrating the Healthcare Enterprise” (IHE) initiative. For nearly a decade, IHE has sought to bring together healthcare IT stakeholders to implement standards for communicating patient information efficiently throughout and among healthcare enterprises by developing a framework for interoperability. IHE recognizes the important role that open source plays in healthcare IT and includes open source as a player in the IHE framework. For additional information on HIMSS initiatives or H.R. 6898, please contact K. Meredith Taylor, Director, Congressional Affairs (mtaylor@himss.org).