



## Health IT Policy and the 111<sup>th</sup> Congress Second Quarter (May – August, 2009) Report

The Second Quarter Report on Health Information Technology (IT) and the 111<sup>th</sup> Congress aims to outline key milestones from May – August, 2009 that pertain to health IT policy. In addition, the report highlights corresponding HIMSS public policy and advocacy activities.

### Overview

Healthcare reform continues to consume the 111<sup>th</sup> Congress. On the heels of the American Recovery and Reinvestment Act of 2009 (ARRA), Democratic leadership in Congress, with the support of President Obama, aimed to address healthcare reform. Unlike ARRA, which included an entire title in the legislation for health IT, we now see health IT emerge as a tool in transforming healthcare. As indicated by President Obama, the investment in health IT in ARRA was the foundation for healthcare reform. In prominent healthcare reform legislation to date, we see health IT leveraged to improve the quality and access to healthcare.

Over the past few months, health IT legislation has been introduced in the House and Senate, addressing such issues as health IT for safety-net providers and loans to support the adoption of health IT. Additional information on health IT legislation, including legislative text, can be accessed through the [HIMSS Legislative Action Center](#).

### Milestones

Through May – August 2009, we can identify three milestones in the 111<sup>th</sup> Congress for health IT policy:

1. Introduction of the Small Business Health Information Technology Financing Act
2. Introduction of the Health Information Technology Public Utility Act of 2009
3. Committee Action on Healthcare Reform Legislation

A detailed description of the milestones and HIMSS' engagements with health IT policy activities is as follows:

#### **1. Introduction of the Small Business Health Information Technology**

**Financing Act:** On June 24, 2009, Congresswoman Kathy Dahlkemper (D-PA) introduced H.R. 3014, the Small Business Health Information Technology Financing Act. H.R. 3014 would create a new loan program within the Small Business Administration (SBA) to enhance the agency's existing array of business loan programs. Via the program, reduced cost capital would be made available to eligible professionals for the purpose of purchasing health IT. The program would

be carefully tailored to meet the unique challenges that small healthcare providers face in adopting health IT, including cost, flexibility, interconnectedness, and interoperability.

The Health IT Loan Program would rely on private-sector lenders to provide loans guaranteed by the SBA. The proceeds from a health IT loan could be used for qualifying health IT (consistent with the “meaningful EHR use” requirements set forth in the Social Security Act) including acquisition, maintenance, or training for health IT systems and equipment. These loans would carry a variety of benefits specifically intended to help small health practices overcome the financial barriers to health IT adoption with financing structured to complement the purpose of the loan proceeds and the useful life of the health IT assets being financed. H.R. 3014 has 7 Democratic cosponsors.

Upon introduction, the legislation was referred to the House Small Business Committee.

***HIMSS Activities:*** HIMSS supports H.R. 3014, which aligns with the [HIMSS Principles on Government Initiatives](#). HIMSS supports funding such as grants and loans, or other incentives such as significant tax benefits, to healthcare providers, employers, health plans and other health entities for adoption of health IT that meets national interoperability standards and certification criteria for providing patient care. The HIMSS Position Statement concerning H.R. 3014 can be accessed through the HIMSS [website](#). HIMSS will continue to monitor this legislation.

- 2. Introduction of the Health Information Technology Public Utility Act of 2009:** On July 8, 2009, Congresswoman Marcia Fudge (D-OH) introduced H.R. 3124, the Health Information Technology Public Utility Act of 2009. The legislation is identical to S. 890, which was introduced by Senator Jay Rockefeller (D-WV) in April 2009. H.R. 3124 aims to provide for the use of improved health IT with respect to certain safety-net providers. Specifically, the legislation would establish the Federal Consolidated Health Information Technology Board to facilitate the implementation of VistA (the Veterans Administration’s (VA’s) health IT system) and RPMS (the Indian Health Service’s (IHS) integrated solution for the management of clinical, business practice and administrative information) among safety-net healthcare providers. The Board would be responsible for: providing ongoing communication with existing VistA and RPMS user groups, updating VistA and RPMS open source software, implementing and administering the 21<sup>st</sup> Century HIT Grant Program, establishing a child-specific EHR, and developing and integrating quality performance measurements. The legislation would authorize and appropriate \$7 billion from FY10 – FY14 to help carry out these activities.

Upon introduction, the legislation was referred to the House Energy and Commerce, Veterans’ Affairs, and Natural Resources Committees. The legislation has 18 Democratic cosponsors. Since its introduction, S. 890 has had no further

activity within the Senate Health, Education, Labor, and Pensions (HELP) Committee, to which it was referred.

**HIMSS Activities:** The HIMSS Legislation and Regulation Review Taskforce (LRRTF) conducted an initial review of S. 890 (H.R. 3124) and provided feedback to staff in the Offices of Senator Rockefeller and Congresswoman Fudge. The legislation has not been included in draft healthcare reform legislation and no definitive next steps for the legislation are available. HIMSS will continue to monitor the legislation.

- 3. Committee Action on Healthcare Reform Legislation:** After enactment of the American Recovery and Reinvestment Act of 2009 (ARRA), the President and Democratic leadership in Congress was quick to embark on healthcare reform. Prominent healthcare reform legislation in the House and Senate is the Affordable Health Choices Act. While the legislation shares the same title in the two houses, the legislative text is not exactly parallel.

The Affordable Health Choices Act in the House, H.R. 3200, was developed by Democratic leadership of the House Ways and Means, Energy and Commerce, and Education and Labor Committees, otherwise known as the “Tri-Committee”. The legislation was approved by the three Committees in mid July (by a party-line vote in each Committee).

The legislation would, among many things, establish a public health insurance option and a health insurance exchange. The legislation includes a host of provisions that aim to leverage health IT to improve the efficiency of healthcare. Key health IT related provisions address the following issues:

- Administrative Simplification
- Modifications to the Physician Quality Reporting Initiative
- Testing of Incentive Payment Models
- Center for Comparative Effectiveness Research
- Quality Measures
- Assistant Secretary for Health Information
- Unique Device Identifiers

A detailed summary of H.R. 3200 can be accessed through the HIMSS [website](#).

In the Senate, the Affordable Health Choices Act was developed and approved by the Senate HELP Committee. Similar to H.R. 3200, the Senate HELP Committee’s legislation would establish a public health insurance option and health insurance exchanges. Health IT related provisions included in the Committee’s legislation address the following issues:

- Standards and Protocols to Facilitate Enrollment of Individuals in federal and state health and human services programs
- Life Independence Accounts
- National Strategy for Quality Improvement in Healthcare
- Collection and Analysis of Quality Measure Data
- Patient Safety Research Center
- Community Health Teams
- Center for Health Outcomes Research and Evaluation
- Administrative Simplification
- Primary Care Training and Enhancement

A detailed summary of the Senate HELP Committee's legislation can be accessed through the HIMSS [website](#).

The Senate HELP Committee's legislation is likely to be merged with legislation being developed and approved by the Senate Finance Committee. To date, the Senate Finance Committee has not released draft legislation. A major sticking point for healthcare reform legislation concerns the role of the federal government in facilitating a public health insurance option. It is speculated that perhaps the Senate Finance Committee's legislation will include an alternative to a public option, "non-profit cooperatives (co-ops)", which would operate at the state or regional level and provide a coverage option for individuals and micro businesses. Co-ops is a proposal by Senator Kent Conrad (D-ND), Chairman of the Senate Budget Committee.

Democratic leaders in Congress are working hard to complete healthcare reform legislation by the end of the year. In the Senate Finance Committee, Chairman Max Baucus (D-MT) hopes to reach a bi-partisan agreement within the Committee by September 15, 2009. Speaker of the House Nancy Pelosi (D-CA) hopes to hold a vote of the full House prior to Halloween.

Congress will return from the August Congressional Recess with healthcare reform a top priority. During the Recess, Members of Congress met with their constituents through one-on-one meetings and Town Hall Meetings to discuss legislative proposals. In these discussions, Americans shared their views on such issues as a public health insurance option, taxing Americans to support the cost of expanded coverage, and access to affordable health coverage. To date, many Democrats have supported healthcare reform that includes a public health insurance option, while many moderate Democrats and Republicans have opposed the issue.

Health IT continues to be viewed by Members of Congress on both sides of the aisle as a necessary tool in transforming healthcare. No matter the final outcome on such issues as coverage, health IT is sure to be included in any legislation that might pass Congress. As included in healthcare reform legislation to date, health

IT is seen as a key component in such activities as quality reporting, improving administrative efficiencies, and improving access to healthcare.

***HIMSS Activities:*** The HIMSS LRRTF, in collaboration with the HIMSS Financial Systems Steering Committee, conducted an initial review of prominent healthcare reform legislation, the Affordable Health Choices Act, as approved by House Committees and the Senate HELP Committee. HIMSS will continue review of the legislation upon release of legislation by the Senate Finance Committee.

Also within HIMSS, the Healthcare Reform Committee has played an instrumental role in crafting a position statement for healthcare reform, along with updated recommendations concerning health IT's role in healthcare reform. These documents will be considered by the HIMSS Board of Directors.

In an effort to provide up-to-date information on healthcare to members, HIMSS launched the [healthcare reform landing page](#). The website includes summaries on prominent healthcare reform legislation, as well as necessary legislative text and links to outside resources. HIMSS also publishes weekly [Healthcare Reform Updates](#) for members that highlight the latest activities within the executive and legislative branches on healthcare reform.

### **HIMSS Comments**

HIMSS will continue to focus its educational outreach efforts on health IT policy within the 111<sup>th</sup> Congress and the Administration. For additional information on content included in this document and HIMSS advocacy and public policy activities, please contact the HIMSS Government Relations Team at [advocacy@himss.org](mailto:advocacy@himss.org).