

INSTITUTE FOR
e-Health Policy
Transforming Policy into Practice



**"Health Information Technology Provisions in the
American Recovery and Reinvestment
Act of 2009:
Committee Actions, Status and Analysis"**



A Overview of Legislative Activities Pertaining to the American Recovery and Reinvestment Act of 2009

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The American Recovery and Reinvestment Act of 2009

- Effort to create and save 3 to 4 million jobs, jumpstart the economy, and begin process of transforming to the 21st century
- \$275 billion in economic recovery tax cuts
- \$550 billion for such initiatives as public works, alternative energy initiatives, unemployment benefits, and safety-net programs



The American Recovery and Reinvestment Act of 2009

- Approximately \$20 billion for health IT, aiming to prevent medical mistakes, provide better care to patients and introduce cost-saving efficiencies
- Incentives to foster the use of EMRs among providers and funding to carry-out goals associated with the Federal Health IT Strategic Plan



House Legislation

- \$2 billion for the Office of the National Coordinator to invest in the infrastructure necessary to allow for and promote the electronic exchange of health information, consistent with the National Coordinator's Strategic Plan
- Approximately \$18 billion for incentives through Medicare and Medicaid reimbursement



House Legislation

Title XXX – Health Information Technology and Quality

- Establishes the Office of the National Coordinator for Health Information Technology
- Appointment of a Chief Privacy Officer
- Development of a qualified EHR technology
- Development of a voluntary certification program



House Legislation

- Establishes HIT Policy Committee and HIT Standards Committee, two federal advisory committees
- Nothing to prohibit the National eHealth Collaborative to modify so the Secretary can recognize the Collaborative as 1 of the Committees



House Legislation

- Agencies to acquire, implement, or upgrade health IT systems, where available, that meet initial standards and implementation specifications that are required by December 31, 2009



House Legislation

- Incentives for the Use of Health IT
 - Immediate funding to strengthen the health IT infrastructure
 - Establishment of health IT extension program to provide health IT assistance. Creates a Health IT Resource Center and Regional Centers.
 - Grants to states (or qualified state designated entity) to foster electronic information exchange among organizations
 - Competitive grants to states and Indian tribes



House Legislation

- Incentives for the Use of Health IT (cont.)
 - Grants to carry-out demonstration projects to develop academic curricula integrating certified EHR technology in the clinical education of health professionals
 - Assistance to Institutions of higher education to establish or expand medical health informatics education programs
 - Medicare incentive payments
 - Medicaid incentive payments



House Legislation

➤ Privacy and Security

➤ Addresses such areas as:

➤ Notification in case of a breach

➤ Education on Privacy

➤ Restrictions on certain disclosures and sales of health information

➤ Accounting of Certain PHI disclosures



Senate Legislation

- Yesterday, Senate Finance and Appropriations Committees completed markups of legislation
- Senate Finance Committee legislation to include approximately \$18 billion for health IT
- Senate Appropriations Committee legislation to include \$5 billion for health IT



Senate Legislation

- Senate Finance Legislation
 - Establishes the Office of the National Coordinator for Health Information Technology
 - Establishes the HIT Policy and HIT Standards Committees
 - Medicare and Medicaid reimbursements to meaningful EHR users



Final Legislation

- Senate Appropriations Legislation
 - \$5 billion for health IT
 - Privacy and Security Provisions