

# Everything's Coming up ARRA: HIM-related Provisions of Stimulus Bill Blooming as Spring Turns to Summer

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The American Recovery and Reinvestment Act (ARRA) includes funding, regulations, and guidance requirements for most federal administrative departments, states, and other state-related entities. HIM professionals will be affected by many of these, either directly or indirectly through their employers.

HIM professionals should look to ARRA for guidance on funding, regulations, and guidance on health IT adoption, training, and privacy and security regulation.

## Health IT Funding...and More

ARRA funds a variety of programs outside of its health information communications and technology section (title XIII). Several sections include funding for the extension of broadband into underserved areas. ARRA clearly outlines Congress's goal of building an electronic infrastructure that will support health information exchange (HIE) among all communities.

HIM professionals whose communities are not connected to broadband should help take steps to ensure that ARRA funds can be tapped to provide this necessary HIE link.

ARRA also funds a number of healthcare and technology projects within the Indian Health Service and the Department of Health and Human Services (HHS) Health Resources and Services Administration and its community health clinics. Funding covers technology, training, and implementation.

In the area of education and training there are funds earmarked for a variety of education purposes through the Department of Education and training and other state work force initiatives through the Department of Labor. Educators and those interested in work force training offered through the states should keep a close eye on new opportunities in these areas and new collaborative efforts among colleges and others needing to train additional healthcare work force members. The programs will create opportunities to apply HIM functions and to teach.

On the subject of HIM education, title VIII of ARRA provides for a number of education programs and projects that directly affect HIM and offer new health IT-related training and additional training for those in the field and those interested in education at the bachelor and master's degree levels.

HHS has yet to define just what these initiatives will look like, but AHIMA has a task force and its education strategy committee working on curriculum and other strategies to strengthen the HIM work force as well as provide HIM professionals where they are needed to build and implement electronic health records (EHRs) and HIE.

AHIMA contacted HIM education programs across the country almost immediately upon ARRA's enactment so they could begin preparing to take advantage of the opportunities. Expect to see more on this shortly, as well as a renewed call to build up HIM faculty that will be necessary to fulfill the education and training needed to implement ARRA's e-health initiatives.

## HIM Expertise Needed

ARRA's health IT sections also provide for new programs that support the implementation of EHRs and HIE. Research centers will be established to "provide technical assistance and develop or recognize best practices to support and accelerate efforts to adopt, implement, and effectively utilize health information technology" to support HIE.

The act calls for the creation of health IT regional extension centers to assist with implementation and ongoing maintenance of health IT and to provide assistance and education to all providers in a region. Some of this assistance is envisioned to include extension agents that can work one-on-one with providers.

These programs will be seeking practitioners, consultants, and educators to provide these services. The programs will be available to HIM professionals who may need support in their organization's implementation efforts. Because these initiatives essentially call for HIM expertise, AHIMA is looking for opportunities for members, component state associations, and the association itself to be involved.

States or designated state entities (not necessarily state agencies) will also receive or have the opportunity to receive funding to support state HIE efforts and loans or grants to healthcare providers to adopt and implement EHRs. A few component state associations have already let their state leaders know of the HIM profession's desire to work with the state to ensure monies for HIE development and EHR adoption are used wisely and appropriately.

Some commentators have raised concerns that states may not use the federal HIE funds appropriately, because many states have not been directly involved in state-level e-health initiatives. Needless to say, AHIMA sees HIM and HIM state association involvement as critical to achieving the association's long-term goals of EHR and HIE adoption. AHIMA urges both individuals and component state associations to become involved sooner rather than later.

Federal incentive programs for EHR adoption and "meaningful use" through financial incentives and penalties in the Medicare and Medicaid programs have received both positive and negative attention from the press. HIM professionals who work for a provider that may qualify under either Medicare or Medicaid should familiarize themselves with the ARRA provisions and look for further regulations. How the technology is used (not just adopted) will be key in receiving accurate recognition and incentives when these provisions take effect in 2011.

Along with the incentives comes new privacy requirements that will apply to holders of protected health information. These requirements call for changes in business associate agreements and contracts, breach notifications, organization policies and procedures, new training, and other revisions to what a HIPAA covered entity has been required to do and will be required to do in the future. They also include requirements for some entities not covered by HIPAA. All of this work requires HIM assistance.

In April and May AHIMA staff and volunteer practice councils worked quickly to review and comment on proposed ARRA-related requirements from HHS and the Federal Trade Commission related to breach notification and data destruction. Those comments, due last month, are available at [www.ahima.org/dc](http://www.ahima.org/dc).

AHIMA staff are also busy going through a detailed review of the association's best practices, books, articles, and other portions of the FORE Library: HIM Body of Knowledge that will need to be revised or updated as a result of the ARRA changes that are forthcoming in the next three years. Staff are also developing new practice briefs, articles, and programs designed to give members a leg up on the ARRA requirements.

## Upcoming ARRA-Related Activities

Section	Item	Deadline	Notes
3012	HHS publishes draft description of health IT extension program	June 2009	The program will offer providers assistance in adopting, implementing, and using health IT and will include a resource center and regional extension centers.
13407	Federal Trade Commission and HHS promulgate interim breach notification regulations	August 2009	<p>FTC released its notice of proposed rulemaking on April 16; public comments are due June 1. HHS had not released its notice by press time.</p> <p>In April HHS released related guidance on the technologies and methods for rendering protected health information unusable, unreadable, or</p>

			indecipherable to unauthorized individuals (section 13402). HHS accepted public comment on the guidance until May 21.
13403	HHS appoints regional office privacy advisors for all regional HHS sites	August 2009	The advisors are to offer guidance and education to HIPAA covered entities and business associates and to individuals on their rights and responsibilities related to federal privacy and security requirements for protected health information.

## Bringing ARRA into Focus

It is important that HIM professionals understand ARRA in order to anticipate its impact and be prepared to comment, advocate, or otherwise respond as provisions move from law to reality. AHIMA has established an ARRA reference Web site at [www.ahima.org/arra](http://www.ahima.org/arra) [web page no longer available] for all things ARRA. Included in these resources are links to the law itself and analysis that has been developed by AHIMA staff both on the act as well as subsections such as the privacy provisions.

The federal government must further develop many of the rules, regulations, and definitions outlined within the act, so the law itself is not the final word by any means. The past two months have seen a flurry of federal activity, which AHIMA has relayed through *Advantage e-Alert* weekly e-mails and the *Journal of AHIMA* Web site (<http://journal.ahima.org>).

The coming months will see interim final regulations, more guidance, and proposed regulations, as well as hearings and other opportunities for input on privacy and other ARRA-related regulations. AHIMA staff and volunteer leadership will inform members when these announcements are made, as well as opportunities for response and development of the association's positions and recommendation on the subject matter.

ARRA offers HIM professionals many career opportunities as well as the chance to determine the direction this legislation leads the industry.

## AHIMA ARRA Resources

For the latest ARRA news, check out the following AHIMA resources:

- AHIMA's ARRA Resource Web site, [www.ahima.org/arra](http://www.ahima.org/arra) [web page no longer available]
- Journal Web site, <http://journal.ahima.org>
- Advantage e-Alerts, which are available online in the AHIMA Community of Practice at [www.ahima.org](http://www.ahima.org)

Members can also read collected articles on ARRA in the FORE Library: HIM Body of Knowledge at [www.ahima.org](http://www.ahima.org).

## References

American Recovery and Reinvestment Act of 2009. Public law 111-5. February 17, 2009. Available online at [www.thomas.loc.gov](http://www.thomas.loc.gov).

Rode, Dan. "Recovery and Privacy." *Journal of AHIMA* 80, no. 5 (May 2009): 42–44.

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