

HIM Legislation—Stuck in a Moment? AHIMA's 2007 Agenda Was Marked with Struggles and Success

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by *Don Asmonga, MBA*

The lyrics from the U2 song “Stuck in a Moment You Can’t Get Out Of” aptly describe Congress’s struggles in attempting to pass health IT and genetic nondiscrimination legislation this past year:

*You’ve got yourself stuck in a moment,
and you can’t get out of it.*

However, in spite of these struggles, 2007 was also a year of success and progress on several key HIM issues. This article looks back at 2007’s legislative challenges and achievements.

The Successes: Work Force, Classifications, and Terminologies

Work force continues to be a key advocacy issue for AHIMA, and we are proud to report that AHIMA and the American Medical Informatics Association (AMIA) helped usher important work force legislation through the House. On June 6, 2007, the House passed by voice vote the 10,000 Trained by 2010 Act (HR 1467), legislation that authorizes the National Science Foundation to award grants to institutions of higher education to develop and offer health informatics and information management education and training programs.

AHIMA and AMIA are now in the middle of discussions with the Senate Health, Education, Labor, and Pensions Committee to discharge the bill from the committee and pass it by unanimous consent on the Senate floor. If this occurs, the bill will go directly to President Bush for his signature.

AHIMA and AMIA were also invited by the chairman of the House Science and Technology Committee to participate in the development of the Healthcare Information Technology Enterprise Integration Act (HR 2406). The bill authorizes the National Institute of Standards and Technology (NIST) to increase its efforts in support of the integration of the healthcare information enterprise in the United States.

NIST has extensive technical experience with standards, and this legislation would ensure its participation in the standards development process. The legislation also addresses healthcare terminology and standards issues.

Section 5 of the legislation closely adheres to the AHIMA-AMIA report “Healthcare Terminologies and Classifications: An Action Agenda for the United States.” The legislation calls for the establishment of a task force to research and provide recommendations for:

- The development, adoption, and maintenance of terminologies and classifications
- Gaining commitment of terminology and classification stakeholders to principles and guidelines for an open and transparent process to enable cost-effective interoperability and complete and accurate information
- The design of a centralized authority or governance model
- US participation in international health terminology standards development organizations

This legislation passed the House Science and Technology Committee by voice vote and is currently awaiting consideration before the full House.

Finally, AHIMA also continued its ICD-10 effort in Congress and was involved with the development and introduction of the Critical Access to Health Information Technology Act, which requires the implementation and use of ICD-10-CM and ICD-10-PCS by October 1, 2011.

Although this legislation has not been considered, we believe its introduction has helped encourage the Centers for Medicare and Medicaid Services in its development of a proposed rule for ICD-10.

Providing HIM Viewpoints in Testimonies and Presentations

In addition to many Hill meetings in 2007, congressional committees and groups called upon AHIMA to provide testimony and presentations on several occasions:

- 2007 AHIMA President Bryon Pickard, MBA, RHIA, provided testimony on health information privacy and security issues to the Subcommittee on Information Policy, Census and National Archives of the House Oversight and Government Reform Committee.
- AHIMA CEO Linda L. Kloss, RHIA, FAHIMA, CAE, provided testimony on the Healthcare Information Technology Enterprise Integration Act to the House Science and Technology Committee.
- AHIMA provided written testimony on options to improve quality and efficiency among Medicare physicians to the House Ways and Health Subcommittee.
- AHIMA Past-President Jill Callahan Dennis, JD, RHIA, provided a presentation titled “Health Information Assuredness: Ensuring Confidentiality, Integrity, and Reliability of the Electronic Health Record” to the Steering Committee on Telehealth and Healthcare Informatics.
- AHIMA Vice President of Policy and Government Relations Dan Rode provided the presentation “Nomenclature, Legality, Interoperability, and Trust: Steps toward an Electronic Health Record and National Health Information Exchange” to the Steering Committee on Telehealth and Healthcare Informatics.

Through these efforts, AHIMA was able to expand its visibility and provide Congress with an expert outlook on HIM and health IT topics.

Another event that expanded our efforts and visibility was AHIMA's Hill Day, which brought 120 AHIMA members and staff to Washington for nearly 180 meetings covering 38 states. AHIMA's 2008 Hill Day is planned for April 8, and we certainly believe that this day will again be a huge success.

The Struggles: Health IT and Genetic Legislation

The 110th Congress began with extremely high hopes of passing health IT and genetic nondiscrimination legislation. At the outset, these goals were thought to be easily achievable, but the road was much tougher than many envisioned.

The only action on a comprehensive health IT bill came in the Senate. The Senate Health, Education, Labor, and Pensions Committee passed the Wired for Healthcare Quality Act (S. 1693) by unanimous consent. Similar to the bill that passed the Senate in the 109th Congress, S. 1693 aimed to enhance the adoption of a nationwide interoperable health information technology system and to improve the quality and reduce the costs of healthcare in the US.

Just as in the last Congress, this bill (at this stage) only seems able to proceed so far. A multitude of efforts were made to advance it before the Senate adjourned in December. This action required unanimous consent, something the bill was unable to obtain due to a range of concerns that included privacy and quality.

Other than the House Science and Technology Committee's passing of HR 2406 and HR 1467, the House came to the health IT party a bit late. Although Rep. Patrick Kennedy introduced the Personalized Health Information Act (HR 1368), it wasn't until October 10 that the House had a comprehensive health IT proposal.

Rep. Anna Eshoo introduced the Promoting Health Information Technology Act (HR 3800), which aims to advance a nationwide interoperable health IT system and improve healthcare quality and reduce costs. The bill closely resembles S. 1693. The House has not had legislative proceedings on HR 3800. Finally, Rep. Frank Pallone, chair of the House Energy and Commerce Health Subcommittee, is also drafting a comprehensive health IT proposal.

Genetic nondiscrimination legislation was expected to move swiftly through Congress this year. With support from the president, House Democratic and Republican leaders, and many in the Senate, the Genetic Information Nondiscrimination Act

(HR 493) was introduced on January 16, 2007, and passed the House 420–3 on April 25. In spite of the bill's fast passage in the House, and the vocal support from both parties in the Senate, this legislation has been bogged down in the Senate.

Since the Senate works under unanimous consent to consider legislation, a minute number, or one, senator has put a hold on this legislation that AHIMA has been advocating for more than 10 years. No end is in sight for this obstruction.

Breaking out of the Moment

As we move into this election year, it is going to be more difficult to pass any legislation. In the limited time that it has, Congress will need to act quickly, as will we. In the coming months, we will be working diligently on the Hill and will likely call upon you for assistance. Many of these items are very close to being done, though it will take some work to make them happen. It will also take the willingness of Republicans and Democrats to work together. Undoubtedly, it will be a challenge, but it is one that we readily accept.

For further information on AHIMA's legislative initiatives, access the Advocacy Action Center of the AHIMA Advocacy Assistant at <https://secure.ahima.org/DC/Login.asp>.

Don Asmonga (don.asmonga@ahima.org) is director of government relations at AHIMA.

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