

New Year, New Collaboration: 2009 Brings New Partnerships in Advancing HIM Issues

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by Dan Rode, MBA, FHFMA

The proverb “May you live in interesting times” has certainly been a theme for 2008. The US is now two months out from a new year, a new Congress, and a new president. The coming year promises a changing of the guard in government, from elected officials to their staff. This final column of 2008 looks ahead to some new groups that AHIMA will work with in the waning months of 2008 and into 2009.

Federal Trade Commission

Most Americans are somewhat familiar with the Federal Trade Commission (FTC), the government body charged with protecting consumer rights. When the FTC is involved in healthcare, it is often investigating a hospital or physician group merger for restraint of trade. Outside of healthcare, the Gramm-Leach-Bliley Act gives the FTC the right to require privacy notices from banks, financial institutions, or insurers when consumer privacy has been violated.

The HIM profession is now dealing more deeply with the FTC in this privacy context. Operators of patient electronic record services such as personal health records (PHRs) or health record banks are not covered under the HIPAA privacy and security rules. Similarly, health information exchanges (HIEs) and regional health information organizations may not be covered either. Enter the FTC.

These entities come under the FTC’s jurisdiction due to the Gramm-Leach-Bliley privacy rules and consumer protection laws. These laws essentially hold a company to promises made regarding privacy, security, use of information, and data mining.

Some observers have argued that the FTC has a better track record of going after offenders than does the Department of Health and Human Services’ (HHS) Office for Civil Rights. It has been suggested that HHS should work with the FTC jointly to oversee PHRs and HIEs. Whether this occurs will be up to Congress or the next administration.

The FTC is becoming very involved in the identity theft issue. In fact, it maintains one of the federal government’s main identity theft Web sites at www.ftc.gov/bcp/edu/microsites/idtheft. AHIMA has had conversations with the FTC to determine if the AHIMA practice brief “Mitigating Medical Identity Theft” (July 2008) could be useful in the FTC’s efforts.

More recently, attorneys have advised healthcare privacy officers that they should be involved with their organization’s responsibilities under FTC red flag requirements. These requirements, finalized in November 2007 as an amendment to the Fair Accurate Credit Transactions Act of 2003 and the Fair Credit Reporting Act of 1970, call for creditors (which could include healthcare organizations, offices, or practices) to maintain processes that identify and respond to possible identity theft activities (or “red flags”).

AHIMA will follow these privacy and identity theft developments closely, communicate with the FTC, and report back on its requirements and resources regarding regulations.

AHIC-2

The American Health Information Community’s transformation to a new public-private partnership, called AHIC-2 (or AHIC 2.0) through the year, will be completed this fall. At the AHIC meeting in September, AHIC-2 interim chairman John Glaser, PhD, vice president and chief information officer of Partners HealthCare System, announced the new group had incorporated under the name AHIC Successor, Inc., and introduced the new board of directors.

The new board is listed at www.hhs.gov/healthit/community/background/AHICsuccessor.html. Many of the members are familiar to HIM professionals. The new board begins its duties this month with a meeting in Washington, DC.

HHS Secretary Mike Leavitt noted that the successor organization was a major accomplishment for AHIC and HHS. He said that HHS is moving forward with the transition of the new organization.

AHIMA volunteers and staff have been involved with AHIC and the Office of the National Coordinator and expect to participate with the successor organization and its work groups and subcommittees as those activities begin. Just how the successor will fit into the new Congress and administration (as well as the healthcare industry at large) remains to be seen, but it will become clearer in the months to come.

111th Congress

The 111th Congress will begin its session in January 2009. It will have two high-profile issues to address: the shaky economy and the wars in the Middle East.

As an issue, healthcare reform rises and falls, but it never goes away. It certainly affects the economy. Health information technology, the move to standards, electronic health records, health information exchange, and the privacy and security of health information will be important factors in reform discussions, as well as on their own. The new administration will have a major impact on the issues facing the healthcare industry and the HIM profession, especially if the Congress and the White House are controlled by the same party.

With the economy and federal budget in considerable flux, financial support for healthcare reform or health IT may be questionable in 2009. However, AHIMA and its component state associations will be there to greet the new members of the 111th Congress and the administration and present our recommendations, which we believe lead to “quality healthcare through quality information.”

Healthcare reform and issues like privacy and security, HIEs, and HIM work force also will be addressed at the state level, where there will be some new players in state legislatures and governors’ offices. Everyone will have a role in forming the agendas for policy makers in the new year.

2008 Successes

There is a lot to do and a number of new groups to work with in 2009. But let us not rush past our successes in 2008.

The notice of proposed rule making for the adoption of ICD-10-CM and ICD-10-PCS was a highlight for the profession. There is much work to do, but a major step has been taken, and AHIMA’s goal of contemporary classifications and greater detail in health information is moving forward.

Another long battle that came to a major victory this year was the passage of the Genetic Information Nondiscrimination Act. The act does not eliminate all the potential discrimination or misuse that can come with inappropriate access to and use of healthcare records, but it is a significant start, and the move to adequate protections has been greatly accelerated.

Meanwhile a variety of public-private groups took on HIM issues as healthcare moves to more standardized data sets for quality measurement and secondary data. Standards are being developed to improve the electronic health record, including the legal health record and interoperability between the EHR and the PHR. Products are being certified for improved consumer confidence in health systems and software, moving the healthcare industry toward standard EHR adoption.

New organizations and new approaches are under way to take the healthcare community to the next level of secure, complete, and accessible health information. The new year promises plenty of work to further advance this goal. AHIMA members should be proud of their collective effort in 2008 and look forward to working with both new groups and old to further our shared mission in 2009.

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