

Urgent

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APA Practice
Organization
Information Alert

Date: January 23, 2009

To: SPTA and Division Federal Advocacy Coordinators APAGS Coordinators

From: Marilyn Richmond, J.D., Assistant Executive Director for Government Relations American Psychological Association Practice Organization

Cc: Katherine Nordal, Ph.D., Executive Director for Professional Practice
SPTA Executive Directors SPTA Directors of Professional Affairs CAPP

Re: House Committees Pass Improved HIT Legislation

Yesterday the House Ways & Means and Energy & Commerce Committees considered and approved the Health Information Technology for Economic and Clinical Health (HITECH) Act as part of the economic stimulus package (H.R. 598). The legislation includes medical records privacy and security protections that are far more comprehensive and protective of patient records than legislation under consideration last year.

The APA Practice Organization has consistently urged Congress to ensure that privacy and security standards are included as a cornerstone of any health information technology (HIT) legislation enacted into law. In addition to continuous direct lobbying by our government relations team, citizen psychologists have personally delivered this critical message to legislators through Hill visits during the 2008 State Leadership Conference and thousands of emails using the Legislative Action Center. Working in connection with our allies in the mental health community, we were able to prevent passage of proposals that would have implemented HIT without adequate protections.

The APAPO is supporting the HITECH Act because it includes comprehensive privacy and security provisions along with those that will promote a national interoperable electronic patient records system in the coming decade. Among the privacy and security

provisions that are most helpful are those that incorporate HIPAA privacy and security standards into the system, preserve stronger state laws, examine the need to segment particularly sensitive patient records (such as mental health records), strengthen the HIPAA “minimum necessary” standard, and call for a reexamination of the HIPAA “health care operations” definition to determine, for example, whether such operations may be performed with de-identified information.

We are pleased that some of the funding incentives provided in the HITECH Act will be available to psychologists to implement HIT into their practices and to help them join into the electronic networks in their communities. Psychologists are not eligible, however, for HIT Medicare and Medicaid implementation incentive payments made available in the bill. These payments are only accessible to providers included in the “physician” definition under the programs.

As the HITECH Act moves through the legislative process, we will keep up the pressure on Congressional leaders to ensure that strong privacy protections remain in the bill and seek psychology’s eligibility for the Medicare and Medicaid incentive payments. Grassroots support is not requested at this time, but we will keep you posted and reach out to you if it becomes necessary. Thanks for all your efforts that have led to stronger privacy protections!

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