

HR 4157

Health Information Technology Promotion Act of 2006

Congress: 109 (2005–2007, Ended)

Chamber: House

Policy Area: Health

Introduced: Oct 27, 2005

Current Status: Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 587.

Latest Action: Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 587.
(Sep 5, 2006)

Official Text: <https://www.congress.gov/bill/109th-congress/house-bill/4157>

Sponsor

Name: Rep. Johnson, Nancy L. [R-CT-5]

Party: Republican • **State:** CT • **Chamber:** House

Cosponsors (60 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Bass, Charles F. [R-NH-2]	R · NH		Oct 27, 2005
Rep. Beauprez, Bob [R-CO-7]	R · CO		Oct 27, 2005
Rep. Blunt, Roy [R-MO-7]	R · MO		Oct 27, 2005
Rep. Boehlert, Sherwood [R-NY-24]	R · NY		Oct 27, 2005
Rep. Bradley, Jeb [R-NH-1]	R · NH		Oct 27, 2005
Rep. Camp, Dave [R-MI-4]	R · MI		Oct 27, 2005
Rep. Cantor, Eric [R-VA-7]	R · VA		Oct 27, 2005
Rep. Castle, Michael N. [R-DE-At Large]	R · DE		Oct 27, 2005
Rep. Deal, Nathan [R-GA-10]	R · GA		Oct 27, 2005
Rep. Emerson, Jo Ann [R-MO-8]	R · MO		Oct 27, 2005
Rep. English, Phil [R-PA-3]	R · PA		Oct 27, 2005
Rep. Gerlach, Jim [R-PA-6]	R · PA		Oct 27, 2005
Rep. Hayworth, J. D. [R-AZ-5]	R · AZ		Oct 27, 2005
Rep. Herger, Wally [R-CA-2]	R · CA		Oct 27, 2005
Rep. Hobson, David L. [R-OH-7]	R · OH		Oct 27, 2005
Rep. Hulshof, Kenny C. [R-MO-9]	R · MO		Oct 27, 2005
Rep. Jindal, Bobby [R-LA-1]	R · LA		Oct 27, 2005
Rep. Johnson, Sam [R-TX-3]	R · TX		Oct 27, 2005
Rep. Kelly, Sue W. [R-NY-19]	R · NY		Oct 27, 2005
Rep. Lewis, Ron [R-KY-2]	R · KY		Oct 27, 2005
Rep. McCrery, Jim [R-LA-4]	R · LA		Oct 27, 2005
Rep. Murphy, Tim [R-PA-18]	R · PA		Oct 27, 2005
Rep. Ramstad, Jim [R-MN-3]	R · MN		Oct 27, 2005
Rep. Ryan, Paul [R-WI-1]	R · WI		Oct 27, 2005
Rep. Schwarz, John J.H. "Joe" [R-MI-7]	R · MI		Oct 27, 2005
Rep. Shays, Christopher [R-CT-4]	R · CT		Oct 27, 2005
Rep. Simmons, Rob [R-CT-2]	R · CT		Oct 27, 2005
Rep. Terry, Lee [R-NE-2]	R · NE		Oct 27, 2005
Rep. Upton, Fred [R-MI-6]	R · MI		Oct 27, 2005
Rep. Weller, Jerry [R-IL-11]	R · IL		Oct 27, 2005
Rep. Wilson, Heather [R-NM-1]	R · NM		Oct 27, 2005
Rep. Gillmor, Paul E. [R-OH-5]	R · OH		Oct 28, 2005
Rep. Hart, Melissa A. [R-PA-4]	R · PA		Nov 2, 2005
Rep. Jackson-Lee, Sheila [D-TX-18]	D · TX		Nov 2, 2005
Rep. Rogers, Mike J. [R-MI-8]	R · MI		Nov 2, 2005
Rep. Ehlers, Vernon J. [R-MI-3]	R · MI		Nov 3, 2005
Rep. Drake, Thelma D. [R-VA-2]	R · VA		Nov 7, 2005
Rep. Kennedy, Mark R. [R-MN-6]	R · MN		Nov 10, 2005
Rep. McHugh, John M. [R-NY-23]	R · NY		Nov 18, 2005
Rep. McCotter, Thaddeus G. [R-MI-11]	R · MI		Dec 6, 2005
Rep. Eshoo, Anna G. [D-CA-14]	D · CA		Dec 15, 2005

Cosponsor	Party / State	Role	Date Joined
Rep. Hastings, Doc [R-WA-4]	R · WA		Mar 15, 2006
Rep. Kuhl, John R. "Randy", Jr. [R-NY-29]	R · NY		Mar 15, 2006
Rep. Leach, James A. [R-IA-2]	R · IA		Mar 15, 2006
Rep. Porter, Jon C. [R-NV-3]	R · NV		Mar 15, 2006
Rep. Campbell, John [R-CA-48]	R · CA		Apr 27, 2006
Rep. Cole, Tom [R-OK-4]	R · OK		Apr 27, 2006
Rep. Lucas, Frank D. [R-OK-3]	R · OK		Apr 27, 2006
Rep. McMorris, Cathy [R-WA-5]	R · WA		Apr 27, 2006
Rep. Kirk, Mark Steven [R-IL-10]	R · IL		May 9, 2006
Rep. Miller, Candice S. [R-MI-10]	R · MI		May 9, 2006
Rep. Marchant, Kenny [R-TX-24]	R · TX		May 10, 2006
Resident Commissioner Fortuno, Luis G. [R-PR-At Large]	R · PR		May 25, 2006
Rep. Biggert, Judy [R-IL-13]	R · IL		Jun 13, 2006
Rep. Blackburn, Marsha [R-TN-7]	R · TN		Jun 13, 2006
Rep. Boustany, Charles W., Jr. [R-LA-7]	R · LA		Jun 13, 2006
Rep. Fitzpatrick, Michael G. [R-PA-8]	R · PA		Jun 13, 2006
Rep. Hefley, Joel [R-CO-5]	R · CO		Jun 13, 2006
Rep. Nunes, Devin [R-CA-21]	R · CA		Jun 13, 2006
Rep. Granger, Kay [R-TX-12]	R · TX		Jun 14, 2006

Committee Activity

Committee	Chamber	Activity	Date
Energy and Commerce Committee	House	Reported by	Jun 8, 2006
Ways and Means Committee	House	Reported By	Jul 27, 2006

Subjects & Policy Tags

Policy Area:

Health

Related Bills

Bill	Relationship	Last Action
109 HRES 952	Procedurally related	Jul 27, 2006: Motion to reconsider laid on the table Agreed to without objection.

Health Information Technology Promotion Act of 2006 - Declares that nothing in this Act shall be construed to affect the scope, substance, or applicability of the Health Insurance Portability and Accountability Act of 1996 (HIPAA, or HIPPA) and any related regulation regarding the privacy of individually identifiable health information, particularly the non-preemption of more stringent state law.

Title I: Coordination For, Planning For, And Interoperability of Health Information Technology - (Sec. 101) Amends the Public Health Service Act to add a new title II part D (Health Information Technology).

Establishes within the Department of Health and Human Services (HHS) an Office of the National Coordinator for Health Information Technology.

Directs the National Coordinator to: (1) provide for a strategic plan for nationwide implementation of interoperable health information technology in both the public and private health care sectors; (2) serve as the principal advisor to the Secretary regarding such technology, and coordinate HHS policies and programs for promoting its use; (3) ensure that such policies and programs are coordinated with those of relevant federal agencies and departments; (4) identify funding sources to promote and support information technology planning and adoption in medically underserved communities; and (5) collaborate with the Agency for Healthcare Research and Quality and the Health Services Resources Administration and other federal agencies to support technical assistance and resource development for such medically underserved communities, particularly those seeking to establish electronic health information networks across providers.

Declares that Executive Order 13335 shall not have any force or effect after the enactment of this Act.

Requires the National Coordinator to study and report to the Congress on the development and implementation of health information technology in medically underserved communities.

(Sec. 102) Requires the Secretary of Health and Human Services to report to Congress on the work conducted by the American Health Information Community, as established by the Secretary.

(Sec. 103) Amends the Public Health Service Act to direct the National Coordinator to: (1) publish a strategic plan and schedule for assessment and endorsement of core interoperability guidelines for significant use cases; (2) endorse a subset of core interoperability guidelines for such cases; and (3) continue endorsing such subsets annually, consistent with the schedule, with endorsement of all such guidelines completed by August 31, 2009. Makes compliance with such guidelines voluntary.

Directs the National Coordinator to conduct one or more surveys designed to measure the capability of entities to exchange electronic health information by appropriate significant use case.

Directs the President to take measures to ensure that federal activities involving the broad collection and submission of health information are consistent with an endorsed core interoperability guideline within three years after the date of such endorsement.

Directs the President to take measures to allow timely access to useful categories of non-identifiable health information in records maintained by the federal government or by federal contractors to advance health care quality and health research where such information is in a form that can be used in such research.

Requires the National Coordinator to: (1) review annually for five years the operation of health information collection by

and submission to the federal government and the purchases (and planned purchases) of health information technology by the federal government; and (2) recommend to the President and the Congress methods to streamline federal health information collection and submission systems, improve collection and submission efficiency and the ability to assess health care quality, and reduce health care costs.

(Sec. 104) Authorizes the Secretary to make grants to integrated health care systems for projects to better coordinate the provision of health care through the adoption of new health information technology, or the significant improvement of existing health information technology, in order to improve provision of health care to uninsured, underinsured, and medically underserved individuals through health-related information. Authorizes appropriations for FY2007-FY2008.

(Sec. 105) Directs the Secretary to establish a demonstration program of grants to small physician practices located in rural areas or medically underserved urban areas for the purchase and support of health information technology. Authorizes appropriations for FY2007-FY2008.

Title II: Transaction Standards, Codes, and Information - (Sec. 201) Amends title XI of the Social Security Act (SSA) to direct the Secretary to provide for an expedited upgrade program for adoption of additions and modifications to electronic transaction standards.

(Sec. 202) Directs the Secretary to provide by notice in the Federal Register for the following replacements of standards applicable to transactions occurring on or after April 1, 2009: (1) the replacement of the Accredited Standards Committee X12 (ASC X12) version 4010 with the ASC X12 version 5010; and (2) the replacement of the National Council for Prescription Drug Programs (NCPDP) Telecommunications Standards version 5.1 with the latest version as approved by the Council and reviewed by the National Committee on Vital Health Statistics as of April 1, 2007. Exempts the latter replacement from judicial review.

(Sec. 203) Directs the Secretary to provide by notice in the Federal Register for the replacement of the International Classification of Diseases, 9th revision, Clinical Modification (ICD-9-CM) with both ICD-10-CM and ICD-10-PCS (Procedure Coding System). Applies such replacement to services furnished on or after October 1, 2010.

Provides that in any regulation or other action implementing the International Classification of Diseases, 10th revision, Clinical Modification (ICD-10-CM), the International Classification of Diseases, 10th revision, Procedure Coding System (ICD-10-PCS), or other version of the International Classification of Disease, 10th revision, the Secretary is required to ensure that no health care provider is required to code to a level of specificity that would require documentation of non-medical information on the external cause of any given type of injury.

(Sec. 204) Directs the Secretary to develop a strategic plan with respect to the need for coordination in the implementation of: (1) certain transactional standards; and (2) any ICD update versions, including the replacement of ICD-9 provided for under this Act.

(Sec. 205) Amends part C (Administrative Simplification) of SSA title XI to direct the Secretary, for purposes of promoting development of a nationwide interoperable health information technology infrastructure, to study and report to Congress on the impact of variation and commonality in state laws, as well as current federal standards, for security and confidentiality upon the timely exchange of health information in order to ensure the availability of information necessary to make medical decisions at the location in which the medical care is provided.

(Sec. 206) Directs the Secretary to evaluate for Congress: (1) the applicability of health care classification methodologies and codes for purposes beyond the coding of services for diagnostic documentation or billing purposes; (2) the

usefulness, accuracy, and completeness of such methodologies and codes for such purposes; and (3) the capacity of such methodologies and codes to produce erroneous or misleading information with respect to such purpose.

Title III: Promoting The Use Of Health Information Technology To Better Coordinate Health Care - (Sec. 301)

Amends SSA title XI to create safe harbors from civil and criminal penalties in current anti-kickback laws for providing certain health information technology and training services.

Excludes from among prohibited monetary inducements by a hospital to a physician to reduce or limit services the practical or other advantages resulting from health information technology or related installation, maintenance, support, or training services.

Excludes from the illegal remunerations subject to criminal penalties any nonmonetary remuneration in the form of health information technology or training services made to a person by a hospital, group practice, prescription drug plan sponsor, or Medicare Advantage organization if it is pursuant to a written agreement, but one that does not limit the technology's use by the entity, does not limit its use in conjunction with other health information technology, or condition such use on the referral of patients. Requires that the remunerating entity has not taken any action to disable any basic feature of any hardware or software component of such remuneration that would permit interoperability.

Preempts state law imposing civil or criminal penalties where the conditions of this Act have been met.

Requires the Secretary to study and report to Congress on the impact of such safe harbors.

(Sec. 302) Creates a safe harbor from current physician ownership and compensation arrangement (self-referral) prohibitions for any nonmonetary remuneration in the form of health information technology or training services made to a person by a hospital, group practice, prescription drug plan sponsor, or Medicare Advantage organization if it is pursuant to a written agreement, but one that does not limit the technology's use by the entity, does not limit its use in conjunction with other health information technology, or condition such use on the referral of patients. Requires that the remunerating entity has not taken any action to disable any basic feature of any hardware or software component of such remuneration that would permit interoperability.

Preempts state law imposing civil or criminal penalties where the conditions of this Act have been met.

Requires a similar study and report to Congress by the Secretary.

(Sec. 303) Declares that nothing in this title shall be construed as preventing a hospital, group practice, prescription drug plan sponsor, a Medicare Advantage organization, or any other such entity specified by the Secretary, consistent with the specific requirements of this title, from forming a consortium composed of health care providers, payers, employers, and other interested entities collectively to purchase and donate health information technology, or from offering health care providers a choice of health information technology products in order to take into account the varying needs of such providers receiving such products.

Title IV: Additional Provisions - (Sec. 401) Directs the Secretary, in coordination with physicians, health care practitioners, patient advocates, and representatives of states, to encourage and facilitate the adoption of state reciprocity agreements for practitioner licensure in order to expedite the provision of telehealth services across state lines.

(Sec. 402) Requires the Secretary to study and report to Congress on the feasibility, advisability, and the costs of: (1) including coverage and payment for home health-related telehealth services as part of Medicare home health services; and (2) expanding the list of telehealth payment-eligible originating sites (e.g. physician's office, critical access hospital,

rural health clinic, federally qualified health center, or hospital) to include county mental health clinics or other publicly funded mental health facilities.

(Sec. 403) Directs the Secretary, acting through the Director of the Office for the Advancement of Telehealth, to study and report to Congress on the use of store and forward technologies in the provision of telehealth services.

(Sec. 404) Amends the Public Health Service Act to deem that any health care provider participating in Public Health Service Act programs or the Medicaid (SSA title XIX), SCHIP (State Children's Health Insurance Program) (SSA title XXI), or Maternal and Child Health Services program (SSA title V) meets any requirement for the maintenance of data in paper form if the required data is maintained in an electronic form.

(Sec. 405) Amends SSA title XVIII to deem any health care provider participating in the Medicare program as meeting any requirement for the maintenance of data in paper form if the required data is maintained in an electronic form.

(Sec. 406) Directs the Secretary to study and report to Congress on issues related to the development, operation, and implementation of state, regional, and community health information exchanges.

(Sec. 407) Requires the Secretary to establish a two-year project to demonstrate the impact of health information technology on disease management for individuals entitled to medical assistance under a state Medicaid plan.

Actions Timeline

- **Sep 5, 2006:** Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 587.
- **Aug 3, 2006:** Read the first time. Placed on Senate Legislative Calendar under Read the First Time.
- **Jul 28, 2006:** Received in the Senate.
- **Jul 27, 2006:** Rule H. Res. 952 passed House.
- **Jul 27, 2006:** Considered under the provisions of rule H. Res. 952. (consideration: CR H5978-6004; text of measure as reported in House: CR H5988-5995)
- **Jul 27, 2006:** Rule provides for consideration of H.R. 4157 with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. Measure will be considered read. Specified amendments are in order.
- **Jul 27, 2006:** House resolved itself into the Committee of the Whole House on the state of the Union pursuant to H. Res. 952 and Rule XVIII.
- **Jul 27, 2006:** The Speaker designated the Honorable Michael K. Simpson to act as Chairman of the Committee.
- **Jul 27, 2006:** GENERAL DEBATE - The Committee of the Whole proceeded with one hour of general debate on H.R. 4157.
- **Jul 27, 2006:** DEBATE - Pursuant to the provisions of H. Res. 952, the Committee of the Whole proceeded with 10 minutes of debate on the Hinojosa amendment.
- **Jul 27, 2006:** DEBATE - Pursuant to the provisions of H. Res. 952, the Committee of the Whole proceeded with 10 minutes of debate on the Towns amendment.
- **Jul 27, 2006:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Towns amendment, the Chair put the question on adoption of the amendment and by voice vote, announced that the ayes had prevailed. Mr. Pallone demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until later in the legislative day.
- **Jul 27, 2006:** DEBATE - Pursuant to the provisions of H. Res. 952, the Committee of the Whole proceeded with 10 minutes of debate on the Jackson (IL) amendment.
- **Jul 27, 2006:** DEBATE - Pursuant to the provisions of H. Res. 952, the Committee of the Whole proceeded with 10 minutes of debate on the Cuellar amendment.
- **Jul 27, 2006:** DEBATE - Pursuant to the provisions of H. Res. 952, the Committee of the Whole proceeded with 10 minutes of debate on the Price (GA) amendment.
- **Jul 27, 2006:** DEBATE - Pursuant to the provisions of H. Res. 952, the Committee of the Whole proceeded with 10 minutes of debate on the McMorris amendment.
- **Jul 27, 2006:** UNFINISHED BUSINESS - The Chair announced that the unfinished business was the question of adoption of an amendment which was debated earlier and on which further proceedings were postponed.
- **Jul 27, 2006:** The House rose from the Committee of the Whole House on the state of the Union to report H.R. 4157.
- **Jul 27, 2006:** The previous question was ordered pursuant to the rule. (consideration: CR H6001)
- **Jul 27, 2006:** The House adopted the amendments en gross as agreed to by the Committee of the Whole House on the state of the Union.
- **Jul 27, 2006:** Mr. Doggett moved to recommit with instructions to Energy and Commerce and Ways and Means. (consideration: CR H6001-6003; text: CR H6001)
- **Jul 27, 2006:** Floor summary: DEBATE - The House proceeded with 10 minutes of debate on the Doggett motion to recommit with instructions.
- **Jul 27, 2006:** The previous question on the motion to recommit with instructions was ordered without objection. (consideration: CR H6002)
- **Jul 27, 2006:** On motion to recommit with instructions Failed by recorded vote: 198 - 222 (Roll no. 415).
- **Jul 27, 2006:** Passed/agreed to in House: On passage Passed by recorded vote: 270 - 148 (Roll no. 416).
- **Jul 27, 2006:** On passage Passed by recorded vote: 270 - 148 (Roll no. 416).
- **Jul 27, 2006:** Motion to reconsider laid on the table Agreed to without objection.
- **Jul 27, 2006:** The title of the measure was amended. Agreed to without objection.
- **Jul 26, 2006:** Reported (Amended) by the Committee on Energy and Commerce. H. Rept. 109-601, Part I.
- **Jul 26, 2006:** Reported (Amended) by the Committee on Energy and Commerce. H. Rept. 109-601, Part I.
- **Jul 26, 2006:** Reported (Amended) by the Committee on Ways and Means. H. Rept. 109-601, Part II.
- **Jul 26, 2006:** Reported (Amended) by the Committee on Ways and Means. H. Rept. 109-601, Part II.
- **Jul 26, 2006:** Placed on the Union Calendar, Calendar No. 347.

Jul 26, 2006: Rules Committee Resolution H. Res. 952 Reported to House. Rule provides for consideration of H.R. 4157 with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. Measure will be considered read. Specified amendments are in order.

- **Jun 15, 2006:** Committee Consideration and Mark-up Session Held.
- **Jun 15, 2006:** Ordered to be Reported (Amended).
- **Jun 8, 2006:** Subcommittee Consideration and Mark-up Session Held.
- **Jun 8, 2006:** Forwarded by Subcommittee to Full Committee (Amended) by Voice Vote .
- **Nov 4, 2005:** Referred to the Subcommittee on Health.
- **Oct 27, 2005:** Introduced in House
- **Oct 27, 2005:** Introduced in House
- **Oct 27, 2005:** Referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.
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