

TO: Dr. Karen M. Bell, Acting Deputy National Coordinator for Health Information Technology
FROM: Abby Liebeskind, Policy Analyst, Office of the National Coordinator for Health Information Technology (ONCHIT)
RE: Political Landscape for H.R. 4726
DATE: 9/17/06

ONCHIT fully supports H.R. 4726, the Wired for Health Care Quality Act, and in order to accomplish our long-term goal of passage of this bill, we must garner support from congressmen. The political landscape surrounding this bill is affected by congressmen, lobbyists, and public opinion. Republicans support the bill as it is, while Democrats seek additional language about privacy control. Engineering and information technology associations support swift passage of the bill, while privacy advocates insist upon additional privacy regulations.

BACKGROUND ON H.R. 4726

H.R. 4726 is an identical bill to S. 1418, which passed unanimously in Senate on 18 November 2005. H.R. 4726 authorizes our office in statute, provides financial assistance to healthcare providers via grants and loans, and promotes effective use of health information technology (GovTrack, 2006, Summary).

SUPPORT

Congressional:

Representative Darrell Issa (R-CA) sponsored this bill in the House, along with co-sponsors Rep. Jon Porter (R-NV), and Rep. Nick Rahall (D-WV). Three of Representative Issa's top campaign contributors are in the information technology sector, and pharmaceuticals/health products is his second largest contributing industry (Center for Responsive Politics, 2006, Top Contributors-Issa). Representative Porter also receives funds from the healthcare industry, but Representative Rahall does not appear to

receive significant funding from health professionals (Center for Responsive Politics, 2006, Top Contributors- Porter, Rahall). Senator Michael Enzi (R-WY) sponsored S. 1418, the bill that passed in the Senate, along with 19 Republican, 17 Democratic, and 1 Independent co-sponsors (GovTrack, 2006, Overview). The unanimous vote from the Senate implies that both parties are behind the passage of this bill, though different versions (see OPPONENTS). While the sponsors for H.R. 4726 are not big names in the media, the co-sponsors for S. 1418 include Senate Majority Leader Frist, Majority Conference Chair Santorum, Minority Whip Durbin, and Minority Conference Secretary Stabenow (GovTrack, 2006, Overview).

Lobbyists/Associations:

Engineering and information technology unions and associations support the passage of this bill because it will create jobs in their sector immediately, as well as in the future since any systems will have to be sustained. The Institute of Electrical and Electronics Engineers sent Senator Enzi a letter commending him on the passage of S. 1418 (Alphonse, 2006, ¶1). The Health Information and Management Systems Society, an association with 17,000 members nationwide (Associations Unlimited, 1), endorses H.R. 4726 (Healthcare Information and Management Systems Society, 2006, 1).

OPPOSITION

Congressional:

Democratic Members of the House oppose this bill because it does not currently include language regarding patient privacy. The Committee on Energy and Commerce's Democratic staff prepared a Democratic Substitute that would include language that "Ensures that privacy and security concerns are appropriately addressed in any health

information technology system or investment,” (Committee on Energy and Commerce Democratic Staff, 2006, 2). The substitute also includes more specific language about privacy protection for individuals’ sensitive health information (Committee on Energy and Commerce Democratic Staff, 2006, 2). Health professionals are the second highest contributors for both Representative John Dingell (D-MI) and Representative Henry Waxman (D-CA) (Center for Responsive Politics, Member Money), and they support the passage of the bill with the additional privacy language. A similar bill, H.R. 4157, passed the House with 100% of Republicans supporting and 100% of Democrats opposing (including Dingell and Waxman), so their opposition for H.R. 4726 without this additional language is certain (GovTrack, Overview).

Lobbyists/Associations:

Privacy advocacy groups oppose this bill because it does not include strict privacy requirements. The Coalition for Patient Privacy, including the American Civil Liberties Union, the Electronic Privacy Information Center, the National Health Law Program, Patient Privacy Rights Foundation, and 22 other interested associations issued a letter to the Committee Chairs and Ranking Minority Members of the Committee on Ways and Means, the Committee on Energy and Commerce, and the Subcommittees on Health (Coalition for Patient Privacy, Letter, 1). The Coalition urges the Representatives to restore the patient’s right of consent, the right to deny employers medical records, and to “enact meaningful enforcement and penalties for privacy violators,” (Coalition for Patient Privacy, Letter, 1). The Coalition does support passage of the bill with the additional privacy restrictions.

RESOURCES AND CONSTRAINTS

Resources:

As the House and Senate majority party, Republicans have the ability to pass most bills simply by voting along party lines, in addition to a majority of financial resources and support from the President. The unanimous passage of the identical bill in Senate also demonstrates support for this bill.

Constraints:

Any bill that has unanimous Democratic opposition will certainly make headlines, and public opinion on medical privacy continues to dictate concern; 67% of national respondents are “somewhat” or “very concerned” about the privacy of their personal medical records, according to the California HealthCare Foundation’s 2005 survey (California HealthCare Foundation, 2005, 1). Privacy concerns expressed by the Coalition for Patient Privacy have the potential to have a strong impact, since some of the organizations in the coalition have millions of dollars at their disposal. The American Civil Liberties Union alone spent \$3,933,986 on lobbying in 2005 (Center for Responsive Politics, 2005, Client Summary 2005).

In addition, the co-sponsors of H.R. 4726 do not receive much financial support, relatively, from the healthcare industry since they do not hold positions of authority in health-related committees (Center for Responsive Politics, 2006, Darrell Issa, Jon Porter, Nick Rahall Career Profiles).

Works Cited

- Alphonse, Gerard A. *Letter to the Senate Committee on Health, Education, Labor, and Pensions*. 8 August 2005.
<<http://www.ieeeusa.org/policy/policy/2005/080805.asp>> (17 September 2006).
- Associations Unlimited. *Healthcare Information and Management Systems Society (HIMSS)*.
<http://galenet.galegroup.com/servlet/AU/hits?r=d&origSearch=false&o=AssnName&n=10&l=d&c=31&locID=duke_perkins&secondary=false&u=n&u=i&u=r&u=s&t=KW&s=4&TX=health+information+technology&SH=%22Health+and+Medical+Organizations%22> (17 September 2006).
- California HealthCare Foundation. *National Consumer Health Privacy Survey 2005*. November 2005.
<<http://www.chcf.org/documents/ihealth/ConsumerPrivacy2005ExecSum.pdf>> (17 September 2006).
- Coalition for Patient Privacy. *Letter to Congressional Committees*. 5 April 2006.
<<http://www.patientprivacyrights.org/site/PageServer?pagename=CoalitionSignOnLtr>> (17 September 2006).
- GovTrack. *Overview: H. Res. 952*. 26 July 2006.
<<http://www.govtrack.us/congress/bill.xpd?bill=hr109-952>> (17 September 2006).
- GovTrack. *Overview; S. 1418*. 16 December 2005,
<<http://www.govtrack.us/congress/bill.xpd?bill=s109-1418>> (17 September 2006).
- GovTrack. *Summary; H.R. 4726*. 17 February 2006,
<<http://www.govtrack.us/congress/bill.xpd?tab=main&bill=h109-4726>> (17 September 2006).
- Healthcare Information and Management Systems Society. *2006 Health IT Legislation Crosswalk*. 2006.
<http://www.himss.org/Content/files/2006_Health_IT_Legislation_Crosswalk_House.pdf> (17 September 2006).
- The Center for Responsive Politics. *Darrell Issa: Career Profile*. 30 June 2006,
<<http://www.opensecrets.org/politicians/allcontrib.asp?CID=N00007017>> (17 September 2006).
- The Center for Responsive Politics. *Jon Porter: Career Profile*. 30 June 2006,
<<http://www.opensecrets.org/politicians/allindus.asp?CID=N00012560>> (17 September 2006).

The Center for Responsive Politics. *Lobbying Database: American Civil Liberties Union Client Summary 2005*. 2005.
<<http://www.opensecrets.org/lobbyists/clientsum.asp?year=2005&txtname=American+Civil+Liberties+Union>> (17 September 2006).

The Center for Responsive Politics. *Member Money: Energy and Commerce, 109th Congress*. 7 August 2006.
<<http://www.opensecrets.org/cmteprofiles/profiles.asp?cycle=2006&CmteID=H07&Cmte=HENE&CongNo=109&Chamber=H>> (17 September 2006).

The Center for Responsive Politics. *Nick Rahall: Career Profile*. 30 June 2006,
<<http://www.opensecrets.org/politicians/allindus.asp?CID=N00012560>> (17 September 2006).

The Committee on Energy and Commerce Democratic Staff. *Democratic Substitute: The Wired for Healthcare Quality Act Summary*. 15 June 2006.
<http://www.house.gov/commerce_democrats/HIT_demsub_summary.pdf> (17 September 2006).

U.S. Congress. House of Representatives. *The Wired for Healthcare Quality Act (H.R. 4726)*. 109th Cong., 2nd sess., 2006.