

Committee on Energy and Commerce markup of H.R. 6357, the "PRO(TECH)T Act of 2008."

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July 23, 2008

Today we consider common-sense legislation that will promote the use of electronic medical records and other health information technology. Your grocery store can immediately determine what brand of cereal you bought last year, but your cardiologist cannot quickly find what prescriptions your family doctor wrote for you last week. That is a problem for the cost and quality of healthcare. It is time to bring healthcare into the 21st century.

The PRO(TECH)T Act establishes a process for the adoption of technology standards that will allow providers across the country to exchange electronic health information about their patients. It provides incentives for the private market to develop technologies that meet these standards. The bill also requires the largest purchaser of health care, the Federal Government, to incorporate the standards into its systems.

This legislation encourages the use of electronic health records for all Americans by 2014. It provides \$560 million in grants and loans to providers, particularly small and rural providers and those serving medically underserved areas, to acquire electronic medical record systems.

In addition, the bill strengthens existing Federal privacy protections to further secure people's health information in this new electronic world. For example, it requires patients to be notified if their health information has been breached or hacked, as is already common practice and law for financial information. This is important and long overdue.

The bill also extends federal privacy law to entities that do business with providers, such as quality review organizations and newer entities that store and manage a provider's electronic health information. This will allow the Federal Government to bring enforcement actions against bad actors.

This bill has reached a delicate balance between promoting and encouraging the electronic flow of health information and protecting that information from those who should not have it. For example, it maintains a provider's ability to share information with another provider to treat a patient or receive payment for treating a patient, but requires providers and health plans to check with a patient before using their information for marketing purposes.

This is a strong and balanced product that has been developed with the work and input of many Committee Members, including Representatives Barton, Pallone, Deal, Gordon, Waxman, Markey, Towns, Eshoo, Capps, Schakowsky, Gonzalez, and others. I urge all Members to recognize the important steps made by this bill and encourage their support for its swift passage.

Prepared by the Committee on Energy and Commerce

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