



C O U N T Y A D M I N I S T R A T O R

SUSAN S. MURANISHI
COUNTY ADMINISTRATOR

June 18, 2010

DONNA LINTON
ASSISTANT COUNTY ADMINISTRATOR

Honorable Board of Supervisors
Administration Building
Oakland, CA 94612

Dear Board Members:

**SUBJECT: AMENDMENT TO THE 2010 ALAMEDA COUNTY LEGISLATIVE PROGRAM:
HR 5025: Health Information Technology for Economic and Clinical Health (HITECH)
Extension for Behavioral Health Services Act of 2010 and HR 5040: Health Information
Technology Extension for Behavioral Health Services Act of 2010 (Kennedy).**

The following legislative items were considered by the PAL (Personnel, Administration and Legislation) Board Committee at its meeting on June 14, 2010 and are hereby recommended for your Board's approval. If approved, these items will be included as an amendment to the County's 2010 Legislative Program.

RECOMMENDATIONS:

- 1. Support for HR 5025 & HR 5040: Health Information Technology for Economic and Clinical Health (HITECH) Extension for Behavioral Health Services Act of 2010 and HR 5040: Health Information Technology Extension for Behavioral Health Services Act of 2010 (Kennedy).**

DISCUSSION:

1. The Health Care Services Agency is requesting support for HR 5025 and HR 5040.

The American Recovery and Reinvestment Act of 2009 (ARRA) provides \$17 billion in incentives to health care providers and hospitals to establish interoperable electronic health record (EHR) systems throughout the nation. This portion of ARRA is called the Health Information Technology for Economic and Clinical Health Act, or HITECH Act. These benefits are extended to most physicians, chiropractors, dentists, optometrists, podiatrists and most hospitals. However, behavioral health care providers were excluded.

The incentives provided through ARRA for the meaningful use of electronic medical records would allow for mental health and substance use providers, hospitals and facilities to be on par with the rest of the nation in regards to the electronic exchange of health information and as a result improve the health and safety of all patients.

Alameda County Behavioral Healthcare Services is currently working to create an electronic health record system. This system will provide for an easier and more efficient exchange of information in order to improve care for patients. However, these systems require a significant initial investment that is prohibitive to smaller providers and challenging for the County to afford in these difficult economic times.

HR 5025 and HR 5040 would make amendments extending eligibility for much-needed Medicaid and Medicare incentive funds to behavioral health, mental health, and substance abuse treatment professionals and facilities that were not previously included as eligible in the Health Information Technology Extension HITECH Act. Passage of these amendments would correct this oversight, making these entities eligible for funding incentives if they meet the criteria for "meaningful use" of electronic health records.

Very truly yours,



Susan S. Muranishi
County Administrator

SSM:LL

V./Leg/pal/6_29_10Agenda

Attachments

c: Affected County Agencies/Departments
 CAO Analysts
 State and Federal Legislative Advocates
 Board Committee Clerk

**ALAMEDA COUNTY
BOARD OF SUPERVISORS'
PERSONNEL/ADMINISTRATION/LEGISLATION (PAL)
COMMITTEE**

Monday, June 14, 2010
1:30 pm

Supervisor Keith Carson, Chair
Supervisor Gail Steele

Location: Board Conference Room-5th floor-County Administration Building
1221 Oak Street, Oakland, CA 94612

AGENDA

I. FEDERAL LEGISLATION (Jim Copeland/Emily Bacque)

A. Legislative Update

B. Request for Legislation Position – Action Item

H.R. 5025 (Kennedy) HITECH Extension for Behavioral Health Services Act of 2010 and

**H.R. 5040 (Kennedy) Health Information Technology Extension for Behavioral Health Services
Act of 2010**

*Recommendation: **Support:** Alex Briscoe, Director, Health Care Services Agency*

II. STATE LEGISLATION (Lynn Suter/Steve Wallauch/Michael Corbett)

A. Legislative Update

PUBLIC COMMENT

PLEASE SIGN ATTENDANCE SHEET

Board of Supervisors' Committees agendas are available via Internet at: <http://www.acgov.org/>

PAL LEGISLATIVE COMMITTEE REQUEST FORM

- » Complete this form in order to propose a legislative advocacy position before the PAL Committee.
 - » Instructions for completing this form, including due dates, are shown on the back. Work through your CAO Analyst!
 - » Please be clear and brief as you complete this form. If you have questions, contact your department's CAO Analyst.
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REQUESTOR INFORMATION:

Name: First Name: Alex
Last Name: Briscoe
Position: Director
Agency/Department: Health Care Services Agency
CAO Analyst: Pauline Keogh
County Legislative Advocate: Federal

REQUESTOR'S RECOMMENDATION:

Recommendation: Support

BILL INFORMATION:

Bill Number: HR 5025
Bill Title: HITECH Extension for Behavioral Health Services Act of 2010
Legislative Author: Representative Patrick Kennedy
Current Bill Status: Referred to House Committee on Energy and Commerce and House Ways and Means Committee. (04/14/10)
Current Law/Context: The American Recovery and Reinvestment Act provides \$17 billion in incentives to health care providers and hospitals to establish interoperable electronic health record (EHR) systems throughout the nation. These benefits are extended to most physicians, chiropractors, dentists, optometrists, and podiatrists and most hospitals. However, behavioral health care providers were excluded. The incentives provided through ARRA for the meaningful use of electronic medical records would allow for mental health and substance use providers, hospitals and facilities to be on par with the rest of the nation in regards to the electronic exchange of health information and as a result improve the health and safety of all patients.
Alameda County Behavioral Healthcare Services is currently working to create an electronic health record system to include the Department as well as its many contracted providers throughout the county. This will provide for an easier and more efficient exchange of information in order to improve care for patients. However, these systems require a significant initial investment that is prohibitive to smaller providers and challenging for the county to afford in these difficult economic times.
Description of Bill: HR 5025 would:

- Clarify the definition "health care provider" to include behavioral and mental health professionals, substance abuse professionals, psychiatric hospital, behavioral and mental health clinics, and substance use treatment facilities.
- Establish grants for those mental health treatment facilities not eligible for meaningful use incentives through the ARRA HITECH Act. The grants allow for the purchase of certified electronic medical records (EHRs), training of medical staff in the use of EHRs, and improvements in the exchange of health information between mental health providers and other health care providers.
- Extend Medicare and Medicaid reimbursement for meaningful use of EHRs to psychologists and clinical social workers who provide clinical care, psychiatric hospitals, mental health treatment facilities, and substance abuse treatment facilities.

Potential Impacts to Alameda County: This bill would qualify the Behavioral Healthcare Services Department to receive over \$3 million in funding to create an electronic healthcare records system. It would additionally qualify other Alameda County providers for millions more so that they can interact and participate in this EHR system.

Anticipated Opposition: N/A

Proposed Amendments: N/A

PAL / BOS MEETING DATE REQUESTS:

PAL Date Requested: June 14, 2010

BOS Date Requested: next available

EXPLANATION OF ACRONYMS:

PAL.....Personnel, Administration, and Legislation Committee

CAO.....County Administrator's Office

BOS.....Board of Supervisors

QIC.....County Quick Code System

SUBMIT COMPLETED FORM TO THE BOARD COMMITTEE CLERK, BOS (QIC: 20101)
SEND COPIES TO: (1) Legislative Analyst, CAO, and (2) Your Department's CAO Budget Analyst (both at QIC 20102)