

Opening Statement of Ranking Member Frank Pallone, Jr.
House Committee on Energy and Commerce
Subcommittee on Health
Hearing on “Implementing the 21st Century Cures Act: An Update from the Office of the National Coordinator”

December 11, 2018

Good Morning, I want to thank Dr. Rucker for joining us today to discuss the Office of the National Coordinator’s (ONCs) progress in implementing the 21st Century Cures Act.

Since the passage of the HITECH Act of 2009, we’ve seen an impressive increase in the adoption of electronic health records (EHRs). Today about 96 percent of hospitals and three quarters of office-based physicians use health information technology (HIT) that has been certified by ONC. That represents about a nine-fold increase in hospitals with basic EHR technology since 2008, prior to the HITECH Act.

While this is impressive progress, there are still some hospitals and physician offices, particularly small or rural providers, who are still operating with volumes of paper files and outdated fax machines. This is simply unacceptable with all of the technology available today, and we must continue to find ways to incentivize and help these providers to adopt EHRs.

While we’ve made significant progress in upgrading the way patient data is managed, more work is needed in order to make EHRs more useful and accessible to patients and providers. Interoperability, or the ability to securely exchange electronic health information, remains a challenge today, but the Cures Act has helped put us on the path toward addressing it.

I'm pleased to see that ONC has made substantial progress in implementing Cures Act provisions by releasing a draft Trusted Exchange Framework and Common Agreement (TEFCA) and partnering with the Office for Civil Rights to create new resources to help people better understand their right to access their health records. Clear rules of the road for exchange and informed consumers are necessary for ensuring secure and appropriate transfers of patient data.

I'm also encouraged to hear that ONC plans to release an updated draft of TEFCA for public comment. Given the progress the private sector has made in this area, it's important that we glean any lessons that they learned from their efforts. We should ensure that ONC's work compliments those efforts as much as possible.

The Cures Act also provided the Office of the Inspector General (OIG) with the tools necessary to investigate and penalize those who are information blocking. However, before the OIG can begin their work ONC must first identify cases that *do not* constitute information blocking. I had hoped that a proposed rule on information blocking and certification requirements would have been released by now. However, I'm encouraged by ONC's statements that the rule is in the final stages of development. I look forward to the release of this important proposed rule.

Finally, I want to take a moment to thank my friend and colleague Congressman Gene Green for his many years of service on the Energy and Commerce Committee and particularly for his leadership of the Health Subcommittee these past four years. During his tenure as

Ranking Member, Congressman Green has helped lead this Committee to major legislative achievements like the Cures Act and has been a tireless advocate for the Affordable Care Act. Gene is a thoughtful legislator and a good friend. He always sought consensus, often found it and never stopped trying no matter how hard it could be. I'm incredibly thankful for his leadership and he will be dearly missed on the Committee next year. I wish him nothing but the best as he retires from the House and this Committee.