

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5074
MINORITY (202) 225-5051

<http://oversight.house.gov>

Opening Statement Rep. Ted Lieu

“Opportunities and Challenges in Advancing Health Information Technology.” March 22, 2016

Thank you Chairman Jordan, Chairman Hurd, Ranking Member Cartwright. Thank you to the witnesses who will be presenting today.

Today we are here to learn more about how to make the primary health technology laws work smarter and better. Laws and regulations should be there to protect the public. But done incorrectly, they can hinder innovation, and the same holds true in the Health IT space. The Health Care Insurance Portability and Accountability Act (HIPAA) contains provisions to create universal Electronic Health Records and protect patient privacy.

The Health Information Technology for Economic and Clinical Health Act (HITECH) contains provisions to protect consumer privacy and give notice in cases of data breach.

The Affordable Care Act also contains provisions to improve the quality and efficiency of patient care with Electronic Health Records.

However these laws and regulations were enacted before key technological advances that we now take for granted. HIPAA was passed in 1996 before broad adoption of the Internet and the mobile revolution. HITECH was passed in 2009 before cloud computing existed. Some might suggest that rolling back regulation is the answer. And while I agree that government regulation is not as nimble as technology, we still need some combination of regulations and enforceable guidance to protect the public.

For instance, last month, the IT system at Hollywood Presbyterian was held hostage by ransomware denying patients and providers access to their medical records. HITECH has cybersecurity requirements and requires notification for data breaches, but the law says nothing about notification for data frozen or held hostage where it is stored.

Technology has moved very quickly. Telemedicine, text messaging and the mobile smartphone explosion requires that HHS and FTC keep up with technology changes, update guidance reliably and keep rules and regulations flexible to encourage innovation. Regulation done wrong or too little regulation makes it difficult to protect the public and ensure that data flows freely. Regulation done right spurs innovation, improves quality of care and protects the public.

I look forward to hearing from the witnesses today about what we can do to encourage innovation and cooperation and continue to bring government and health care into a more modern era of service.

Contact: Jennifer Werner, Communications Director, (202) 226-5181.