

Staying Ahead

with Saul Ewing

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Life Sciences Law

Federal Executive Branch Continues High Profile Activities Affecting the Health Care System

What happened?

On April 27, 2004, the White House issued an Executive Order creating a National Health Information Technology Coordinator.

What does it mean?

The federal government's interest and involvement in the health care delivery system – both public and private sector – is active and growing. The Executive Order is the most recent federal initiative and places all providers and interested parties on notice that the federal government plans to intervene and propose remedies for difficult policy issues.

Learn more.



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The President's Executive Order directs the Secretary of the U.S. Department of Health and Human Services to establish within the Office of Secretary the position of National Health Information Technology Coordinator (the "Coordinator"). The appointed Coordinator is David J. Broiler, M.D., Ph.D. Dr. Broiler is currently the Senior Fellow of the Health Technology Center, and Adjunct Professor at Wharton and Clinical Associate Professor at the University of Pennsylvania Health Systems.

The Executive Order directs that the activities of the Coordinator shall be "consistent with a vision of developing a nationwide interoperable health information technology infrastructure." Six functions are delineated, including: ensuring that appropriate information to guide medical decisions is available at the time and place of care; and, improving health care quality, reducing medical errors, and advancing the delivery of appropriate evidence-based medical care.

The Coordinator is also charged with developing, maintaining and directing the "implementation of a strategic plan to guide the nationwide implementation of interoperable health information technology in both the public and private health care sectors that will reduce medical errors, improve quality, and produce greater value for health care expenditures." The Executive Order defines particular objectives that shall be included in the strategic plan, including the coordination of outreach and consultation by the relevant executive branch agencies with public and private parties of interest, including consumers, providers, and payers.

The Executive Order directs that activities must be commenced and progress reports issued in a very short period of time, especially so given the incremental pace of most federal activities.

The Executive Order is not the only active federal initiative affecting technology and the health care delivery system. In

April, the President's Information Technology Advisory Committee ("PITAC") Health Care Delivery and Information Technology Subcommittee issued draft recommendations. The subcommittee report identifies four essential elements to accelerate the adoption of information technology in the health care sector: electronic health records that maximize the amount of information available to health care providers; computer-assisted decision support to increase compliance with evidence-based medicine; electronic order entry for inpatient and outpatient care; and interoperable electronic health information interchange. The subcommittee report includes a series of draft recommendations to accomplish these goals.

To date, most of the recent media attention focused upon federal health care initiatives has been upon HIPAA implementation and the Medicare Prescription Drug, Improvement, and Modernization Act of 2003.

The Executive Order and PITAC initiatives demonstrate that there are other active federal efforts underway affecting the health care delivery system and its technology infrastructure. Private sector companies and individuals must stay apprised of each of the initiatives being pursued by the federal government's executive and legislative branches, and monitor judicial decisions. Importantly, interested parties must remain actively engaged in the decision-making processes at the federal (and state) level to help ensure that government initiatives are compatible with, and do not adversely impact, private sector professional objectives and business strategies.

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