



BIPARTISAN POLICY CENTER

Improving Health and Health Care Through the Use of Electronic Information Sharing: *Overview of the Policy Landscape*

JOSEPH H. KANTER FAMILY FOUNDATION, KANTER FOUNDATION

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Key Policy Issues That Need to be Addressed for a Learning Health System

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1. Incentives/Business Case for Data Sharing
2. Standards for Interoperability
3. Assuring Patient Access to Their Information
4. Governance, Privacy Policy
5. Others?

Policy Vehicles in Play

- **Medical Innovation Package**
 - House passed 21st Century Cures Act in July 2015
 - Senate HELP Committee in the middle of three-step mark-up of Senate version of medical innovation package, health IT legislation approved February 9, 2016; final mark-up April 6
 - Hopes for bringing package to Senate floor before June
- **White House Precision Medicine Initiative and Vice President's Moon Shot for Cancer**
- **Prescription Drug and Medical Device User Fee Authorizations**
- **Implementation of MACRA**
- **Presidential Elections**
- **Ongoing Work of ONC, Interoperability Roadmap, Standards Advisory, EHR Certification, etc.**
- **Reauthorization of PCORI**
- **Market Action**

Senate HELP Committee-Approved Health IT Legislation

- **Information Blocking**
 - Gives HHS Office of Inspector authority to investigate and establish deterrents to information blocking practices that interfere with appropriate sharing of electronic health information
- **Interoperability**
 - Convenes existing data sharing networks to develop a voluntary model framework and common agreement for the secure exchange of health information across existing networks to help foster bridging between networks.
 - Creates a digital provider directory to both facilitate exchange and allow users to verify the correct recipient.
 - Requires that HHS give deference to standards developed in the private sector
 - Requires that certified HIT exchange data with registries if registries are certified to use standards endorsed by ONC
 - Directs the GAO to conduct a study to review methods for securely matching patient records to the correct patient.

Senate HELP Committee-Approved Health IT Legislation

- **Empowering Patients and Improving Patient Access to Their Electronic Health Information**
 - Supports the certification and development of patient-centered health record technology so that patients can access their health information through secure and user-friendly software that may update automatically.
 - Encourages the use of Health Information Exchanges to promote patient access by educating providers and clarifying misunderstandings.
 - Requires HHS to clarify situations where it is permissible for providers to share patient information by providing best practices and common cases where sharing is allowed.
- **Rating System for Users**
 - Security
 - Usability, and
 - Interoperability

Policy Influencers

- Align behaviors or outcomes through reimbursement programs
- Tie conditions (e.g., use of standards, make data publicly available, etc.) to use of federal funds (e.g., MACRA, meaningful use, NIH grants, all federal contracts, etc.)
- Create new authorities (e.g., convening, collaboration, etc.)
- Use regulatory mechanisms (e.g., certified EHRs, clinical laboratories, HIPAA enforcement, conditions of participation, etc.) to drive behavior

What the Bipartisan Policy Center is Doing Related to Learning Health System

- Continuing to provide technical assistance to Senate HELP Committee on advancing medical innovation legislation
- Continuing to push for legislation on information blocking, interoperability and patient access
- Launching a series of interviews, roundtable discussions, and research, to develop policy recommendations on the *Generation and Use of Real World Evidence*
 - Releasing report this summer
 - Public event this summer
 - Policy recommendations and strategy

Some Observations

- **Concept of Learning Health System is not widely known**
- **There is a real opportunity to advance changes in policy**
 - Dissatisfaction with progress made
 - Political drivers on both sides
 - Several vehicles in play or coming up
 - New Administration also offers an opportunity
- **Other factors are driving change**
 - New models of payment and delivery
 - Biomedical innovation
 - Increasingly wired patient
- **Find ways to align priorities with existing hot topics that policymakers, people and organizations are focused on**

Ways That Kanter Foundation and Learning Health System Collaborators Can Influence Policy

- **Pilot Project**
 - Demonstrate how the LHS vision can work in the real world
- **One or Two-Pager, *Policy Priorities for a Learning Health System***
 - Targeted strategy to influence legislation, executive branch policy
 - Move quickly to be relevant
 - Build coalition around policy imperatives
- **Public relations campaign, consumer-led**
- **Others?**