

Health IT Bill Moves Through Legislature

ICD-10 IMPLEMENTATION DATE REMAINS A CONCERN

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Introduced on Oct. 27, 2005 by Nancy L. Johnson (R-Conn.), H.R.4157 amends the Public Health Service Act to establish an Office of the National Coordinator for Health Information Technology within the Department of Health and Human Services, and directs the National Coordinator to "(1) maintain, direct, and oversee the continuous improvement of a strategic plan to guide the nationwide implementation of interoperable health information in both the public and private health care sectors; and (2) serve as the coordinator of federal government activities relating to health information technology." Section 203; "Upgrading ICD Codes; Coding and Documentation of Non-Medical Information," stipulates the following:

"The Secretary of Health and Human Services shall provide by notice published in the Federal Register for the replacement of the International Classification of Diseases, 9th revision, Clinical Modification (ICD-9-CM) ... with both of the following: (A) The International Classification of Diseases, 10th revision, Clinical Modification (ICD-10-CM); (B) The International Classification of Diseases, 10th revision, Procedure Coding System (ICD-10-PCS). ... The replacement made by paragraph (1) shall apply, for purposes of section 1175(b)(2) of the Social Security Act (42 U.S.C. 1320d-4(b)(2)), to services furnished on or after October 1, 2010" (emphasis added).

While ICD-9 has 24,000 codes in a seven-digit series, the ICD-10 code set will be substantially more complex, featuring more than 200,000 codes in a nine-digit alphanumeric series. Because of this, the ACA and others have asked that an Oct. 1, 2012 date be considered. According to the August 2006 *EVP Report* from Kevin Corcoran, executive vice president:

"Because of ICD-10's greater complexity, ACA is concerned that doctors of chiropractic will be ill-prepared for full implementation in three years. As most doctors of chiropractic practice in small firms, the cost associated with an expanded code set is very significant; doctors need time to prepare for the expense of the software, as well as any new upgrade requirements that it might entail. Given the scale of the new ICD-10 system, a tremendous amount of time and money will be required for education and training. ... Even with implementation in 2012, many doctors of chiropractic will be hard-pressed to make a smooth transition to the new system."²

As of press time, H.R.4157 has been placed on the Senate Legislative Calendar; meanwhile, the ACA has been lobbying Senate members to delay implementation of the ICD-10 coding system until 2012.

The ACA is not the only national organization concerned about H.R.4157 as it is currently written. Other entities have voiced opposition to the bill on the grounds that the legislation would virtually eliminate patient privacy with regard to their health information. For example, the Association of

American Physicians and Surgeons sent the following letter to Congress earlier in the year:

"We call for restraint in passing a law that would fast track the creation of a national health information system. The only parties who will benefit by forcing technology on medicine by top-down central planning that actually risks an end to the advancement in information technology will be the government, certain third-party payers, lawyers and information technology companies. Patients will definitely not benefit from this type of program because they do not control who has access to their sensitive identifiable medical records in any meaningful way. The so-called HIPAA Privacy Rule, which is in fact a disclosure rule, does not provide any meaningful privacy protections such as those enshrined in Constitutional law and medical ethics. Therefore a national health information system would effectively eliminate any and all patient consent to the release of their records by placing the records online. Patients would have virtually no control over who can sneak-a-peak [sic] at their very private and sensitive medical records."³

To read the complete text of H.R.4157 and track the bill's status, visit <http://thomas.loc.gov>.

References

1. H.R.4157: The Health Information Technology Promotion Act of 2006.
2. American Chiropractic Association. "Health IT Legislation Passes in House." *The EVP Report*, Aug. 3, 2006.
3. Letter to Congress from Janet M. Orient, MD, executive director of the Association of American Physicians and Surgeons. www.aapsonline.org/confiden/hr4157-letter.php.

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