

March 11, 2022

Senator Tammy Baldwin  
709 Hart Senate Office Building  
Washington, D.C. 20510

Senator Bill Cassidy  
520 Hart Senate Office Building  
Washington, D.C. 20510

Dear Senators Baldwin and Cassidy,

On behalf of our nearly 30 member companies, the HIMSS Electronic Health Record Association (EHRA) extends our support and offers recommendations for the proposed Health Data Use and Privacy Commission Act. As a community of health IT developers serving healthcare organizations around the country, we share your vision for a sustainable healthcare ecosystem that uses health information technology to deliver higher quality care to patients. We also appreciate your acknowledgment of the increased use of data from the healthcare ecosystem by consumer-oriented health applications not currently covered by the privacy and security requirements in the Health Insurance Portability and Accountability Act (HIPAA).

The EHR Association applauds the formation of a commission as the first step toward a comprehensive review of health data use, privacy, and security. Americans have limited visibility into the numerous entities currently collecting, storing, and distributing health data. Many Americans are also unaware of the lack of regulatory alignment across federal, state, and local jurisdictions regarding the protection of their health data. Recognizing the complexity of these issues, we believe that a commission report with well-defined recommendations and a blueprint for holistic policy responses to any identified challenges will help contribute to a more effective framework for protecting health information for the benefit of patients, healthcare organizations, and technology providers.

A comprehensive review of existing privacy policies associated with health information will impact the development of healthcare technologies, the delivery of clinical care, patient choices about how they share their health information, and work done by public health agencies. As such, a thoughtful composition of the commission will be crucial to its success. We strongly recommend including developers of health IT systems (not only consumer-oriented technology companies), as well as representatives from both healthcare provider organizations and the vast community-based and social service provider network that is often overlooked in policy-making and funding decisions.

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AdvancedMD	CureMD	Flatiron Health	MEDITECH, Inc.	Office Practicum
Allscripts	eClinicalWorks	Foothold Technology	Medsphere	Sevocity - Division of Conceptual Mindworks, Inc.
Athenahealth	eMDs	Greenway Health	Modernizing Medicine	STI Computer Services
BestNotes	Endosoft	Harris Healthcare Group	Netsmart	TenEleven Group
Cerner Corporation	Epic	Lumeris	Nextech	Varian - A Siemens Healthineers Company
CPSI	Experity	MEDHOST	Nextgen Healthcare	

Finally, we note that it may be necessary for Congress, as well as federal and state agencies who create privacy-related policies governing health information, to take a fresh look at the current legal and regulatory framework and to consider new approaches to mandating health data privacy, even where hesitation may currently exist to reconsider HIPAA legislation. While HIPAA has enjoyed broad support for 25 years, the rapid expansion of the use and distribution of health data across emerging technologies has created gaps in protections and warrants a wholesale reevaluation of how we define covered entities.

Americans' health information should be protected no matter who holds the data. Modernizing privacy and security protections for health data to this end is of the utmost importance. Thank you for your leadership in sponsoring the Health Data Use and Privacy Commission Act, and we look forward to helping where possible.

Sincerely,



Hans J. Buitendijk  
Chair, EHR Association  
Cerner Corporation



David J. Bucciferro  
Vice Chair, EHR Association  
Foothold Technology

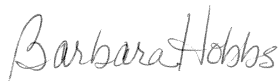
#### HIMSS EHR Association Executive Committee



Pamela Chapman  
Experity



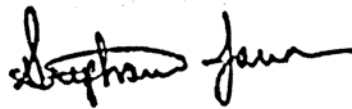
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MEDITECH, Inc.



Cherie Holmes-Henry  
NextGen Healthcare



Stephanie Jamison  
Greenway Health



Alya Sulaiman, JD  
Epic

*About the HIMSS EHR Association: Established in 2004, the Electronic Health Record (EHR) Association is comprised of nearly 30 companies that supply the vast majority of EHRs to physicians' practices and hospitals across the United States. The EHR Association operates on the premise that the rapid, widespread adoption of EHRs will help improve the quality of patient care as well as the productivity and sustainability of the healthcare system as a key enabler of healthcare transformation. The EHR Association and its members are committed to supporting safe healthcare delivery, fostering continued innovation, and operating with high integrity in the market for our users and their patients and families. The EHR Association is a partner of HIMSS. For more information, visit [www.ehra.org](http://www.ehra.org).*