

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Office of the Secretary

#### Statement of Organization, Functions, and Delegations of Authority; Office of the National Coordinator for Health Information Technology

**ACTION:** Notice.

**SUMMARY:** The Office of the National Coordinator for Health Information Technology has reorganized its office in order to more effectively meet the mission outlined by The Health Information Technology for Economic and Clinical Health (HITECH) Act, part of the American Recovery and Reinvestment Act of 2009 (ARRA). The reorganization adds the position of Principal Deputy.

**FOR FURTHER INFORMATION CONTACT:** Sam Shellenberger, Office of the National Coordinator, Office of the Secretary, 200 Independence Ave., SW., Washington, DC 20201, 202-690-7151.

**SUPPLEMENTARY INFORMATION:** Part A, Office of the Secretary, Statement of Organization, Functions and Delegations of Authority for the Department of Health and Human Services, Chapter AR, Office of the National Coordinator for Health Information Technology (ONC), as amended at 74 FR 62785-62786, dated December 1, 2009, as corrected at 75 FR 49494, dated August 13, 2010, and as last amended at 76 FR 6795, dated February 8, 2011 is amended as follows:

I. Under Part A, Chapter AR, Office of the National Coordinator for Health Information Technology, Section AR.10 Organization, insert Office of the Principal Deputy as item B as follows and renumber items B through F accordingly:

*B. Office of the Principal Deputy (ARA1):* The Office of the Principal Deputy works with and reports directly to the National Coordinator and will be responsible for day-to-day operations, decision making and staff management of ONC. The Principal Deputy will oversee the activities of four offices within ONC: Office of the Deputy National Coordinator for Programs and Policy; Office of the Deputy National Coordinator for Operations; Office of Economic Analysis, Evaluation and Modeling; and, Office of the Chief Scientist. One of the current ONC offices, the Office of the Chief Privacy Officer, is a position mandated by the American Recovery and Reinvestment Act of 2009, and will continue to report to the National Coordinator.

II. Under Part A, Chapter AR, Office of the National Coordinator for Health Information Technology, Section AR.10 Organization, Paragraph C, "Office of Economic Analysis, Evaluation and Modeling (ARB)," delete the first sentence in its entirety and replace with the following: "The Office of Economic Analysis, Evaluation and Modeling is headed by a Director."

III. Delegation of Authority. Pending further delegation, directives or orders by the Secretary or by the National Coordinator for Health Information Technology, all delegations and redelegations of authority made to officials and employees of affected organizational components will continue in them or their successors pending further redelegations, provided they are consistent with this reorganization.

**Authority:** 44 U.S.C. 3101.

Dated: October 13, 2011.

**Kathleen Sebelius,**  
*Secretary.*

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Medicare & Medicaid Services

#### Privacy Act of 1974; Report of a New Routine Use for Selected CMS System of Records

**AGENCY:** Department of Health and Human Services (HHS), Centers for Medicare & Medicaid Services (CMS).

**ACTION:** Notice of a new routine use for selected CMS system of records.

**SUMMARY:** In accordance with the requirements of the Privacy Act of 1974, CMS is adding a new routine use to disclose information to Qualified Entities (QEs) for selected Centers for Medicare & Medicaid Services (CMS) systems of records. Section 10332 of the Patient Protection and Affordable Care Act (ACA) adds a new subsection to Section 1874 of the Social Security Act, requiring that the Secretary establish a process to allow for the use of standardized extracts of Medicare Parts A, B, and D claims data by QEs to evaluate and report on the performance of providers of services and suppliers on measures of quality, efficiency, effectiveness, and resource use.

#### New Routine Use for Qualified Entities

1. To assist a public or private entity that is qualified (as determined by the Secretary of the Department of Health

and Human Services (the Secretary)) to use Medicare claims data to evaluate the performance of providers of services and suppliers on measures of quality, efficiency, effectiveness, and resource use; and who agrees to meet the requirements regarding the transparency of their methods and their use and protection of Medicare data as the Secretary may specify, if CMS:

a. Determines that the use or disclosure does not violate legal limitations under which the record was provided, collected, or obtained; and

b. Secures a written statement attesting to the information recipient's understanding of and willingness to abide by these provisions. Every Qualified Entity receiving data must have an agreement with CMS in the form of an Information Exchange Agreement or contract with all security and privacy requirements included. A Data Use Agreement (DUA) (CMS Form 0235) must be completed by the person receiving CMS data in accordance with current CMS policies.

This routine use fulfills the requirement in section 1174(e) of the Social Security Act (42 U.S.C. 1395kk (e)) to make standardized extracts of claims data under Medicare Parts A, B, and D available to a Qualified Entity (QE), recognized by the Secretary to make evaluations of provider/supplier performance in accordance with that section, and that agrees to meet specific requirements regarding the transparency of their methods and their use and protection of Medicare data. The IDR, National Claims History (NCH), CCDR, and Part D data will provide QEs, a broader, longitudinal, national perspective of the performance of Medicare providers/suppliers for use in authorized QE projects that could ultimately improve the care provided to Medicare beneficiaries and the policy that governs the care.

#### CMS Systems of Records To Be Modified by This Routine Use

This new routine use, when published, will be added to the compatible systems of records used to disclose Medicare claims information and numbered as the next consecutive number in the order of published routine uses for the following systems of records notices:

1. "National Claims History (NCH)," System No. 09-70-0558, last published at 71 FR 67137 (November 20, 2006). The primary purpose of this system is to collect and maintain billing and utilization data on Medicare beneficiaries enrolled in hospital insurance (Part A) or medical insurance (Part B) of the Medicare program for