

111TH CONGRESS
1ST SESSION

H. R. 3014

IN THE SENATE OF THE UNITED STATES

NOVEMBER 19, 2009

Received; read twice and referred to the Committee on Small Business and
Entrepreneurship

AN ACT

To amend the Small Business Act to provide loan guarantees
for the acquisition of health information technology by
eligible professionals in solo and small group practices,
and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Small Business Health
3 Information Technology Financing Act”.

4 **SEC. 2. SMALL BUSINESS HEALTH INFORMATION TECH-**
5 **NOLOGY FINANCING PROGRAM.**

6 The Small Business Act (15 U.S.C. 631 et seq.) is
7 amended by redesignating section 44 as section 45 and
8 by inserting the following new section after section 43:

9 **“SEC. 44. LOAN GUARANTEES FOR HEALTH INFORMATION**
10 **TECHNOLOGY.**

11 “(a) DEFINITIONS.—As used in this section:

12 “(1) The term ‘health information technology’
13 means computer hardware, software, and related
14 technology that supports the meaningful EHR use
15 requirements set forth in section 1848(o)(2)(A) of
16 the Social Security Act (42 U.S.C. 1395w–
17 4(o)(2)(A)) and is purchased by an eligible profes-
18 sional to aid in the provision of health care in a
19 health care setting, including, but not limited to,
20 electronic medical records, and that provides for—

21 “(A) enhancement of continuity of care for
22 patients through electronic storage, trans-
23 mission, and exchange of relevant personal
24 health data and information, such that this in-
25 formation is accessible at the times and places

1 where clinical decisions will be or are likely to
2 be made;

3 “(B) enhancement of communication be-
4 tween patients and health care providers;

5 “(C) improvement of quality measurement
6 by eligible professionals enabling them to col-
7 lect, store, measure, and report on the proc-
8 esses and outcomes of individual and population
9 performance and quality of care;

10 “(D) improvement of evidence-based deci-
11 sion support; or

12 “(E) enhancement of consumer and pa-
13 tient empowerment.

14 Such term shall not include information technology
15 whose sole use is financial management, mainte-
16 nance of inventory of basic supplies, or appointment
17 scheduling.

18 “(2) The term ‘eligible professional’ means any
19 of the following:

20 “(A) A physician (as defined in section
21 1861(r) of the Social Security Act (42 U.S.C.
22 1395x(r))).

23 “(B) A practitioner described in section
24 1842(b)(18)(C) of that Act.

1 “(C) A physical or occupational therapist
2 or a qualified speech-language pathologist.

3 “(D) A qualified audiologist (as defined in
4 section 1861(ll)(3)(B)) of that Act.

5 “(E) A qualified medical transcriptionist
6 who is either certified by or registered with the
7 Association for Healthcare Documentation In-
8 tegrity, or a successor association thereto.

9 “(F) A State-licensed pharmacist.

10 “(G) A State-licensed supplier of durable
11 medical equipment, prosthetics, orthotics, or
12 supplies.

13 “(H) A State-licensed, a State-certified, or
14 a nationally accredited home health care pro-
15 vider.

16 “(3) The term ‘qualified eligible professional’
17 means an eligible professional whose office can be
18 classified as a small business concern by the Admin-
19 istrator for purposes of this Act under size stand-
20 ards established under section 3 of this Act.

21 “(4) The term ‘qualified medical
22 transcriptionist’ means a specialist in medical lan-
23 guage and the healthcare documentation process
24 who interprets and transcribes dictation by physi-
25 cians and other healthcare professionals to ensure

1 accurate, complete, and consistent documentation of
2 healthcare encounters.

3 “(b) LOAN GUARANTEES FOR QUALIFIED ELIGIBLE
4 PROFESSIONALS.—

5 “(1) IN GENERAL.—Subject to paragraph (2),
6 the Administrator may guarantee up to 90 percent
7 of the amount of a loan made to a qualified eligible
8 professional to be used for the acquisition of health
9 information technology for use in such eligible pro-
10 fessional’s medical practice and for the costs associ-
11 ated with the installation of such technology. Except
12 as otherwise provided in this section, the terms and
13 conditions that apply to loans made under section
14 7(a) of this Act shall apply to loan guarantees made
15 under this section.

16 “(2) LIMITATIONS ON GUARANTEE AMOUNTS.—
17 The maximum amount of loan principal guaranteed
18 under this subsection may not exceed—

19 “(A) \$350,000 with respect to any single
20 qualified eligible professional; and

21 “(B) \$2,000,000 with respect to a single
22 group of affiliated qualified eligible profes-
23 sionals.

24 “(c) FEES.—(1) The Administrator may impose a
25 guarantee fee on the borrower for the purpose of reducing

1 the cost (as defined in section 502(5) of the Federal Credit
2 Reform Act of 1990) of the guarantee to zero in an
3 amount not to exceed 2 percent of the total guaranteed
4 portion of any loan guaranteed under this section. The Ad-
5 ministrator may also impose annual servicing fees on lend-
6 ers not to exceed 0.5 percent of the outstanding balance
7 of the guarantees on lenders' books.

8 “(2) No service fees, processing fees, origination fees,
9 application fees, points, brokerage fees, bonus points, or
10 other fees may be charged to a loan applicant or recipient
11 by a lender in the case of a loan guaranteed under this
12 section.

13 “(d) DEFERRAL PERIOD.—Loans guaranteed under
14 this section shall carry a deferral period of not less than
15 1 year and not more than 3 years. The Administrator shall
16 have the authority to subsidize interest during the deferral
17 period.

18 “(e) EFFECTIVE DATE.—No loan may be guaranteed
19 under this section until the meaningful EHR use require-
20 ments have been determined by the Secretary of Health
21 and Human Services.

22 “(f) SUNSET.—No loan may be guaranteed under
23 this section after the date that is 7 years after meaningful
24 EHR use requirements have been determined by the Sec-
25 retary of Health and Human Services.

1 “(g) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated such sums as are nec-
3 essary for the cost (as defined in section 502(5) of the
4 Federal Credit Reform Act of 1990) of guaranteeing
5 \$10,000,000,000 in loans under this section. The Admin-
6 istrator shall determine such program cost separately and
7 distinctly from other programs operated by the Adminis-
8 trator.”.

9 **SEC. 3. REGULATIONS.**

10 Except as otherwise provided in this Act or in amend-
11 ments made by this Act, after an opportunity for notice
12 and comment, but not later than 180 days after the date
13 of the enactment of this Act, the Administrator shall issue
14 regulations to carry out this Act and the amendments
15 made by this Act.

Passed the House of Representatives November 18,
2009.

Attest: LORRAINE C. MILLER,
Clerk.