

113TH CONGRESS
1ST SESSION

H. R. 28

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.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 3, 2013

Ms. VELÁZQUEZ introduced the following bill; which was referred to the Committee on Small Business

A BILL

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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Working Families’ Ac-
5 cess to Health Innovations Act of 2013”.

1 **SEC. 2. AMENDMENT OF SMALL BUSINESS ACT.**

2 The Small Business Act is amended by redesignating
3 section 45 as section 46 and by inserting after section 44
4 the following:

5 **“SEC. 45. LOAN GUARANTEES FOR HEALTH INFORMATION**
6 **TECHNOLOGY.**

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

8 “(1) The term ‘health information technology’
9 means computer hardware, software, and related
10 technology (including electronic medical record tech-
11 nology) that—

12 “(A) supports the compliance with the
13 meaningful EHR use requirements set forth in
14 section 1848(o)(2)(A) of the Social Security Act
15 (42 U.S.C. 1395w–4(o)(2)(A));

16 “(B) is purchased by an eligible profes-
17 sional to aid in the provision of health care in
18 a health care setting; and

19 “(C) provides for—

20 “(i) enhancement of continuity of care
21 for patients through electronic storage,
22 transmission, and exchange of relevant
23 personal health data and information, such
24 that this information is accessible at the
25 times and places where clinical decisions
26 will be or are likely to be made;

- 1 “(ii) enhancement of communication
 2 between patients and health care providers;
 3 “(iii) improvement of quality measure-
 4 ment by eligible professionals enabling
 5 them to collect, store, measure, and report
 6 on the processes and outcomes of indi-
 7 vidual and population performance and
 8 quality of care;
 9 “(iv) improvement of evidence-based
 10 decision support; or
 11 “(v) enhancement of consumer and
 12 patient empowerment.

13 Such term does not include information technology
 14 the sole use of which is financial management, main-
 15 tenance of inventory of basic supplies, or appoint-
 16 ment scheduling.

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

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

22 “(B) A practitioner described in section
 23 1842(b)(18)(C) of such Act (42 U.S.C.
 24 1395u(b)(18)(C)).

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(l)(4)(B) of such Act (42 U.S.C.
5 1395x(l)(4)(B))).

6 “(E) A State-licensed pharmacist.

7 “(F) A State-licensed supplier of durable
8 medical equipment, prosthetics, orthotics, or
9 supplies.

10 “(G) A State-licensed, a State-certified, or
11 a nationally accredited home health care pro-
12 vider.

13 “(3) The term ‘qualified eligible professional’
14 means an eligible professional whose practice—

15 “(A) is a small business concern; and

16 “(B)(i) is in a medically underserved com-
17 munity (as defined in section 799B(6) of the
18 Public Health Service Act (42 U.S.C.
19 295p(6)));

20 “(ii) serves individuals at least 50 percent
21 of whom are entitled to benefits or enrolled
22 under title XVIII of the Social Security Act; or

23 “(iii) serves an area that consists predomi-
24 nantly of low-income families (as defined in sec-

1 tion 3 of the United States Housing Act of
2 1937 (42 U.S.C. 1437a)).

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

5 “(1) GUARANTEE PERCENTAGE.—Subject to
6 paragraph (2), the Administrator may guarantee up
7 to 90 percent of the amount of the loan made to a
8 qualified eligible professional for the acquisition of
9 health information technology for use in such eligible
10 professional’s medical practice and for the costs as-
11 sociated with the installation of such technology.

12 “(2) LIMITATIONS ON GUARANTEE AMOUNTS.—
13 The maximum amount of loan principal guaranteed
14 under this subsection may not exceed—

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

17 “(B) \$2,000,000 with respect to a single
18 group of affiliated qualified eligible profes-
19 sionals.

20 “(c) FEES.—(1) The Administrator may impose a
21 guarantee fee on the borrower in an amount not to exceed
22 2 percent of the total guaranteed portion of any loan guar-
23 anteed under this section. The Administrator may also im-
24 pose annual servicing fees on lenders not to exceed 0.5

1 percent of the outstanding balance of the guarantees on
2 lenders' books.

3 “(2) No service fees, processing fees, origination fees,
4 application fees, points, brokerage fees, bonus points, or
5 other fees may be charged to a loan applicant or recipient
6 by a lender in the case of a loan guaranteed under this
7 section.

8 “(d) INTEREST RATES.—The interest rate charged
9 on a loan guaranteed under this section shall not be great-
10 er than 25 basis points below the rate provided for a loan
11 under the program under section 7(a).

12 “(e) DEFERRAL PERIOD.—Loans guaranteed under
13 this section shall carry a deferral period of not more than
14 3 years.

15 “(f) TERMS AND CONDITIONS FOR LOAN GUARAN-
16 TEES.—The loans guaranteed under this section shall be
17 subject to the terms and conditions that apply to the pro-
18 gram under section 7(a) or other such terms and condi-
19 tions as are prescribed by the Administrator.”.

20 **SEC. 3. SMALL BUSINESS DEVELOPMENT CENTER DUTIES.**

21 Section 21(c)(3) of the Small Business Act (15
22 U.S.C. 648(c)(3)) is amended—

23 (1) by striking “and” at the end of subpara-
24 graph (S);

1 (2) by striking the period at the end of sub-
2 paragraph (T) and inserting a semicolon; and

3 (3) by adding at the end the following:

4 “(U) facilitating the training of medical profes-
5 sionals in health information technology systems;
6 and

7 “(V) establishing and providing a network of
8 small health information technology companies avail-
9 able to medical professionals in low-income and un-
10 derserved areas, as defined by the Secretary of
11 Health and Human Services, for the purpose of aid-
12 ing medical professionals in such areas to purchase,
13 utilize, and maintain such technology.”.

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