

evaluated biennially by an evaluation panel appointed by the Secretary. Each evaluation panel shall be composed of private experts, none of whom shall be connected with the center involved, and of Federal officials. Each evaluation panel shall measure the involved center's performance against the objective specified in paragraph (3). The Secretary shall not continue to provide funding to a regional center unless its evaluation is overall positive.

**(9) Continuing support**

After the second year of assistance under this subsection, a regional center may receive additional support under this subsection if it has received positive evaluations and a finding by the Secretary that continuation of Federal funding to the center was in the best interest of provision of health information technology extension services.

(July 1, 1944, ch. 373, title XXX, § 3012, as added Pub. L. 111-5, div. A, title XIII, § 13301, Feb. 17, 2009, 123 Stat. 247.)

**§ 300jj-33. State grants to promote health information technology**

**(a) In general**

The Secretary, acting through the National Coordinator, shall establish a program in accordance with this section to facilitate and expand the electronic movement and use of health information among organizations according to nationally recognized standards.

**(b) Planning grants**

The Secretary may award a grant to a State or qualified State-designated entity (as described in subsection (f)) that submits an application to the Secretary at such time, in such manner, and containing such information as the Secretary may specify, for the purpose of planning activities described in subsection (d).

**(c) Implementation grants**

The Secretary may award a grant to a State or qualified State designated<sup>1</sup> entity that—

- (1) has submitted, and the Secretary has approved, a plan described in subsection (e) (regardless of whether such plan was prepared using amounts awarded under subsection (b));<sup>2</sup> and
- (2) submits an application at such time, in such manner, and containing such information as the Secretary may specify.

**(d) Use of funds**

Amounts received under a grant under subsection (c) shall be used to conduct activities to facilitate and expand the electronic movement and use of health information among organizations according to nationally recognized standards through activities that include—

- (1) enhancing broad and varied participation in the authorized and secure nationwide electronic use and exchange of health information;
- (2) identifying State or local resources available towards a nationwide effort to promote health information technology;

(3) complementing other Federal grants, programs, and efforts towards the promotion of health information technology;

(4) providing technical assistance for the development and dissemination of solutions to barriers to the exchange of electronic health information;

(5) promoting effective strategies to adopt and utilize health information technology in medically underserved communities;

(6) assisting patients in utilizing health information technology;

(7) encouraging clinicians to work with Health Information Technology Regional Extension Centers as described in section 300jj-32 of this title, to the extent they are available and valuable;

(8) supporting public health agencies' authorized use of and access to electronic health information;

(9) promoting the use of electronic health records for quality improvement including through quality measures reporting; and

(10) such other activities as the Secretary may specify.

**(e) Plan**

**(1) In general**

A plan described in this subsection is a plan that describes the activities to be carried out by a State or by the qualified State-designated entity within such State to facilitate and expand the electronic movement and use of health information among organizations according to nationally recognized standards and implementation specifications.

**(2) Required elements**

A plan described in paragraph (1) shall—

- (A) be pursued in the public interest;
- (B) be consistent with the strategic plan developed by the National Coordinator, (and, as available) under section 300jj-11 of this title;
- (C) include a description of the ways the State or qualified State-designated entity will carry out the activities described in subsection (b); and
- (D) contain such elements as the Secretary may require.

**(f) Qualified State-designated entity**

For purposes of this section, to be a qualified State-designated entity, with respect to a State, an entity shall—

- (1) be designated by the State as eligible to receive awards under this section;
- (2) be a not-for-profit entity with broad stakeholder representation on its governing board;
- (3) demonstrate that one of its principal goals is to use information technology to improve health care quality and efficiency through the authorized and secure electronic exchange and use of health information;
- (4) adopt nondiscrimination and conflict of interest policies that demonstrate a commitment to open, fair, and nondiscriminatory participation by stakeholders; and
- (5) conform to such other requirements as the Secretary may establish.

**(g) Required consultation**

In carrying out activities described in subsections (b) and (c), a State or qualified State-

<sup>1</sup> So in original. Probably should be "State-designated".

<sup>2</sup> So in original. Another closing parenthesis probably should precede the semicolon.

designated entity shall consult with and consider the recommendations of—

- (1) health care providers (including providers that provide services to low income and underserved populations);
- (2) health plans;
- (3) patient or consumer organizations that represent the population to be served;
- (4) health information technology vendors;
- (5) health care purchasers and employers;
- (6) public health agencies;
- (7) health professions schools, universities and colleges;
- (8) clinical researchers;
- (9) other users of health information technology such as the support and clerical staff of providers and others involved in the care and care coordination of patients; and
- (10) such other entities, as may be determined appropriate by the Secretary.

**(h) Continuous improvement**

The Secretary shall annually evaluate the activities conducted under this section and shall, in awarding grants under this section, implement the lessons learned from such evaluation in a manner so that awards made subsequent to each such evaluation are made in a manner that, in the determination of the Secretary, will lead towards the greatest improvement in quality of care, decrease in costs, and the most effective authorized and secure electronic exchange of health information.

**(i) Required match**

**(1) In general**

For a fiscal year (beginning with fiscal year 2011), the Secretary may not make a grant under this section to a State unless the State agrees to make available non-Federal contributions (which may include in-kind contributions) toward the costs of a grant awarded under subsection (c) in an amount equal to—

- (A) for fiscal year 2011, not less than \$1 for each \$10 of Federal funds provided under the grant;
- (B) for fiscal year 2012, not less than \$1 for each \$7 of Federal funds provided under the grant; and
- (C) for fiscal year 2013 and each subsequent fiscal year, not less than \$1 for each \$3 of Federal funds provided under the grant.

**(2) Authority to require State match for fiscal years before fiscal year 2011**

For any fiscal year during the grant program under this section before fiscal year 2011, the Secretary may determine the extent to which there shall be required a non-Federal contribution from a State receiving a grant under this section.

(July 1, 1944, ch. 373, title XXX, §3013, as added Pub. L. 111-5, div. A, title XIII, §13301, Feb. 17, 2009, 123 Stat. 250.)

**§ 300jj-34. Competitive grants to States and Indian tribes for the development of loan programs to facilitate the widespread adoption of certified EHR technology**

**(a) In general**

The National Coordinator may award competitive grants to eligible entities for the establish-

ment of programs for loans to health care providers to conduct the activities described in subsection (e).

**(b) Eligible entity defined**

For purposes of this subsection, the term “eligible entity” means a State or Indian tribe (as defined in the Indian Self-Determination and Education Assistance Act [25 U.S.C. 5301 et seq.]) that—

(1) submits to the National Coordinator an application at such time, in such manner, and containing such information as the National Coordinator may require;

(2) submits to the National Coordinator a strategic plan in accordance with subsection (d) and provides to the National Coordinator assurances that the entity will update such plan annually in accordance with such subsection;

(3) provides assurances to the National Coordinator that the entity will establish a Loan Fund in accordance with subsection (c);

(4) provides assurances to the National Coordinator that the entity will not provide a loan from the Loan Fund to a health care provider unless the provider agrees to—

(A) submit reports on quality measures adopted by the Federal Government (by not later than 90 days after the date on which such measures are adopted), to—

(i) the Administrator of the Centers for Medicare & Medicaid Services (or his or her designee), in the case of an entity participating in the Medicare program under title XVIII of the Social Security Act [42 U.S.C. 1395 et seq.] or the Medicaid program under title XIX of such Act [42 U.S.C. 1396 et seq.]; or

(ii) the Secretary in the case of other entities;

(B) demonstrate to the satisfaction of the Secretary (through criteria established by the Secretary) that any certified EHR technology purchased, improved, or otherwise financially supported under a loan under this section is used to exchange health information in a manner that, in accordance with law and standards (as adopted under section 300jj-14 of this title) applicable to the exchange of information, improves the quality of health care, such as promoting care coordination; and<sup>1</sup>

(C) comply with such other requirements as the entity or the Secretary may require;

(D) include a plan on how health care providers involved intend to maintain and support the certified EHR technology over time;

(E) include a plan on how the health care providers involved intend to maintain and support the certified EHR technology that would be purchased with such loan, including the type of resources expected to be involved and any such other information as the State or Indian Tribe, respectively, may require; and

(5) agrees to provide matching funds in accordance with subsection (h).

<sup>1</sup> So in original. The word “and” probably should appear at end of subpar. (D).