

AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA) RULEMAKING TIMELINE

ISSUE	RULEMAKING TIMELINE
HEALTH INFORMATION TECHNOLOGY (HIT) – DIVISION A; TITLE XIII	
Sec. 3002. HIT Policy Committee	Secretary shall provide for publication in the Federal Register and the posting on the internal website of Office of the National Coordinator for Health Information Technology (ONCHIT) all policy recommendations made by the HIT Policy Committee. (No timeframe set forth).
Sec. 3003. HIT Standards Committee	Secretary shall publish in the Federal Register the HIT Standards Committee’s schedule for the assessment of policy recommendations developed by the HIT Policy Committee. (No timeframe set forth). Secretary shall provide for publication in the Federal Register and the posting on the internal website of ONCHIT all policy recommendations made by the HIT Standards Committee. (No timeframe set forth).
Sec. 3004. Process for Adoption of Endorsed Recommendations; Adoption of Initial Set of Standards, Implementation Specifications, and Certification Criteria	Secretary shall provide for publication in the Federal Register all determinations made by the Secretary relating to the adoption of endorsed standards, implementation specifications, and certification criteria. Not later than Dec. 31, 2009 , the Secretary shall through rulemaking adopt an initial set of standards, implementation specifications, and certification criteria for consideration. The rulemaking for the initial set of standards, implementation specifications, and certification criteria may be issued on an interim, final basis.
Sec. 3012. Health Information Technology Implementation Assistance	Secretary shall publish in the Federal Register not later than 90 days after Feb. 17, 2009 a draft description of the program for establishing regional centers, which will enhance the adoption of HIT.
Sec. 3014. Competitive Grants to States and Indian Tribes for the Development of Loan Programs to Facilitate the Widespread Adoption of Certified EHR Technology	The National Coordinator shall publish guidance and promulgate regulations as may be necessary to carry out the provisions of this section. (No timeframe set forth).

PRIVACY PROVISIONS – DIVISION A; TITLE XIII	
Sec. 13401. Application of Security Provisions and Penalties to Business Associates	Secretary shall annually issue guidance on the most effective and appropriate technical safeguards for use in carrying out security standards with respect to business associates.
Sec. 13402. Notification of Breach Requirement	<p>Secretary shall issue guidance not later than 60 days after Feb. 17, 2009 (and update such guidance annually) specifying the technologies and methodologies that render PHI unusable, unreadable, or indecipherable to unauthorized individuals.</p> <p>Secretary shall promulgate interim final regulations not later than 180 days after Feb. 17, 2009. The provisions shall apply to breaches that are discovered on or after the date that is 30 days after publication of the interim final regulations.</p>
Sec. 13405(b). Disclosures Required to be Limited to the Limited Data Set or the Minimum Necessary	Secretary shall issue guidance on what constitutes “minimum necessary” not later than 18 months after Feb. 17, 2009.
Sec. 13405(c). Accounting of Certain PHI Disclosures	Secretary shall promulgate regulations on what information should be collected about each disclosure not later than 6 months after the Secretary adopts HIT technical standards on the accounting of disclosures.
Sec. 13405(d). Prohibition on the Sale of Electronic Health Records (EHR) or PHI	<p>Secretary shall promulgate regulations not later than 18 months after Feb. 17, 2009 to carry out these provisions. The provisions shall apply to exchanges of remuneration on or after the date that is 6 months after the date on which the final regulations are promulgated.</p> <p>The exchange of remuneration where the purpose of the exchange is the treatment of the individual is an exception to the general prohibition on sale of EHRs, but would be subject to any regulation that may be promulgated by the Secretary to prevent PHI from inappropriate access, use, or disclosure.</p> <p>Secretary may establish other exceptions to the prohibition by regulation.</p>
Sec. 13406(a). Conditions on Certain Contacts As Part of Health Care Operations - Marketing	Secretary shall determine the meaning of “reasonable in amount” with respect to the payment for certain communications by

	regulation. (No timeframe set forth).
Sec. 13406(b). Conditions on Certain Contacts As Part of Health Care Operations - Fundraising	Secretary shall by rule provide that any written fundraising communication that is a health care operation shall, in a clear and conspicuous manner, provide an opportunity for the recipient of the communication to elect not to receive any further such communication. (No timeframe set forth).
Sec. 13407. Temporary Breach Notification Requirement for Vendors of Personal Health Records and Other Non-HIPAA Covered Entities	Federal Trade Commission (FTC) shall promulgate interim final regulations not later than 180 days after Feb. 17, 2009 to carry out this section. The provisions shall apply to breaches of security discovered on or after a date that is 30 days after the publication of the interim final regulations.
Sec. 13410(a). Noncompliance Due to Willful Neglect	Secretary shall promulgate regulations to implement the amendments relating to noncompliance due to willful neglect not later than 18 months after Feb. 17, 2009. The provisions are effective on or after a date that is 24 months after Feb. 17, 2009.
Sec. 13410(c). Distribution of Certain Civil Money Penalties Collected	Secretary shall establish by regulation (and based on recommendations from the Government Accountability Office (GAO)) a methodology for harmed individuals to receive a percentage of any civil money penalty or monetary settlement collected with respect to an offense not later than 3 years after Feb. 17, 2009. The methodology would be effective for civil monetary penalties or monetary settlements imposed on or after the effective date of the regulation.
Sec. 13421(b). Relationship to Other Laws	Secretary shall amend by rule the privacy and security standards set forth under HIPAA as required to make such regulations consistent with the bill's privacy and security provisions. (No timeframe set forth).
COBRA BENEFITS – DIVISION B; TITLE III	
Sec. 3001(a). Premium Assistance for COBRA Continuation Coverage for Individuals and Their Families	Secretary of the Treasury may prescribe regulations or other guidance as may be necessary or appropriate to carry out these provisions. In addition, the Secretary of HHS and the Secretary of Labor may prescribe regulations (including interim final regulations) or other guidance as may be necessary to carry out certain provisions. (No timeframe set forth)

Sec. 3001(a). Premium Assistance for COBRA Continuation Coverage for Individuals and Their Families (cont'd)	Secretary of Labor, in consultation with the Secretary of the Treasury and the Secretary of HHS, shall provide rules requiring the provision of alternative notice to individuals of COBRA continuation coverage where the general notice provisions do not apply. (No timeframe set forth).
Sec. 3001(b). Elimination of Premium Subsidy for High-Income Individuals	Secretary of the Treasury shall issue regulations or guidance to carry out these provisions, including requirements that the entity to whom premiums are reimbursed report to the Secretary, and to each assistance eligible individual the amount of premium assistance with respect to each individual.
MEDICARE AND MEDICAID HEALTH INFORMATION TECHNOLOGY; MISCELLANEOUS MEDICARE PROVISIONS – DIVISION B; TITLE IV	
Sec. 4101. Incentives for Eligible Professionals	<p>Secretary shall establish rules to coordinate the incentive payments in the case of an eligible professional furnishing covered services in more than one practice, including the application of the limitation on amounts of such incentive payments, among such practices. (No timeframe set forth).</p> <p>Prior to any measure selected by the Secretary to be reported by eligible professionals, the Secretary shall publish in the Federal Register such measure and provide a period for public comment. (No timeframe set forth).</p> <p>Secretary shall specify rules under which a qualifying MA organization shall specify a year (not earlier than 2011) that shall be treated as the first payment year for all eligible professionals with respect to such organization. (No timeframe set forth).</p>
Sec. 4102. Incentives for Hospitals	Prior to any measure (other than certain clinical quality measures) selected by the Secretary to be reported by eligible hospitals, the Secretary shall publish in the Federal Register such measure and provide a period for public comment. (No timeframe set forth).