



# Overview of the HHS Health IT Alignment Policy

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## 1. Opening Remarks

- ▶ Micky Tripathi, Assistant Secretary for Technology Policy, ASTP

## 2. Overview of the HHS Health IT Alignment Policy

- ▶ Larry Jessup, Branch Chief, ASTP

## 3. Overview of the HHSAR NPRM Proposed Rule

- ▶ Jennifer Johnson, Joanne Battaglia, Office of the Assistant Secretary for Financial Resources (ASFR) Office of Acquisitions

# Background

- In 2022, the HHS Secretary instituted the HHS Health IT Alignment Policy.
- The Policy directed ASTP to establish and oversee a consistent HHS approach to the inclusion of health IT requirements in grants, cooperative agreements, contracts, and policy and regulatory actions.
- The Policy also directed ASTP to engage with HHS agencies to align and coordinate health IT-related activities in support of HHS health IT and interoperability goals.

## Policy Goal 01

Establish a consistent HHS-wide approach to standard health IT requirements across HHS agencies and programs to eliminate program and data silos and advance the effectiveness and efficiency of Department programs and policies.

## Policy Goal 02

Fully exercise HHS authorities to promote cross-agency collaboration and better support each agency's mission.

## Policy Goal 03

Reinforce department goals for nationwide interoperability through consistency in funding and policies related to health IT activities.

## Policy Goal 04

Provide Secretary-level and cross-agency visibility and awareness of significant health IT activities.

## Builds on Authorities Under The HITECH Act

- **Section 13111 of the Health Information Technology for Economic and Clinical Health (HITECH) Act** requires agencies...when implementing, acquiring, or upgrading health IT systems used for the direct exchange of individually identifiable health information between agencies and with non-Federal entities, to utilize, where available, health IT systems and products that meet standards and implementation specifications adopted by ONC under section 3004 of the PHSA.
- **Section 13112 of the HITECH Act** specifies that agencies...shall require in contracts or agreements with health care providers, health plans, or health insurance issuers that as each provider, plan, or issuer implements, acquires, or upgrades health IT systems, it shall utilize, where available, health IT systems and products that meet standards and implementation specifications adopted under section 3004 of the PHSA.



# Overview of the HHSAR NPRM Proposed Rule

Jennifer D. Johnson, Executive Director, Acquisition Policy, Legislation, Oversight & Workforce

Joanne Battaglia, Director, Acquisition Policy Division

# What do we do in the office of acquisitions?

## Office of Acquisitions (OA)

- Responsible for the implementation of unique procurement policies, regulations, standards of the executive agency and management and oversight of the acquisition function for HHS

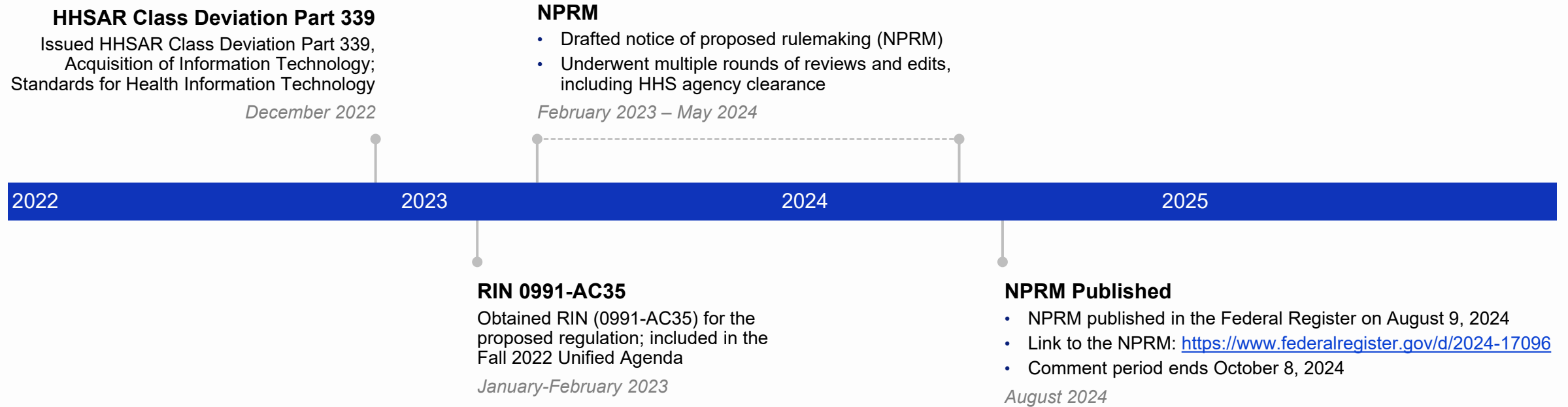
## OA / Acquisition Policy Division (APD)

- Responsible for developing Department-wide acquisition policies and guidance to implement various federal and Departmental initiatives
- Publish and amend the HHS Acquisition Regulation (HHSAR), which is the HHS supplement to the Federal Acquisition Regulation (FAR)



APD works closely with Operational & Staff Division Heads of Contracting Activities (HCAs) and Program Offices, & the Office of General Counsel (OGC) to create agency unique procurement regulations and policies.

# Accomplishments to date



# Proposed rule summary

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## HHSAR PART 339

### Acquisition of Information Technology

Add a new Subpart 339.70—Standards for Health Information Technology

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## HHSAR PART 352

### Solicitation Provisions and Contract Clauses

Adds one new clause 352.239-70 Standards for Health Information Technology

Clause will only be included in HHS solicitations and contracts that:

- ▶ Involve implementing, acquiring, or upgrading health IT used for the direct exchange of individually identifiable health information between agencies and with non-Federal entities; *or*
- ▶ Are with health care providers, health plans, or health insurance issuers that, under the solicitation or contract, would be implementing, acquiring, or upgrading health IT.



# Proposed rule impact on HHS contractors

## Group 01

Contractors performing work under the contract that involves implementing, acquiring, or upgrading health IT procured by or on behalf of HHS entities used for the direct exchange of individually identifiable health information between agencies and with non-Federal entities

## Group 02

Contractors who are health care providers, health plans, or health insurance issuers, or, to perform the contract, are establishing an agreement with a health care provider, health plan, or health insurance issuer, for any work performed under the contract that involves implementing, acquiring, or upgrading health IT

## Proposed rule impact on HHS contractors

### If the clause is included in the contract, Group 1 and Group 2 must comply with the below:

The offeror/quoter/contractor shall utilize health IT that—

- Meets standards and implementation specifications adopted in 45 CFR part 170, subpart B, if such standards and implementation specifications can support work performed under the contract; or
- Is certified under the ONC Health Information Technology Certification Program, if certified technology can support work performed under the contract (see certification criteria in 45 CFR part 170, subpart C), when the contractor is—
  - ▶ An eligible professional in an ambulatory setting, or a hospital, eligible under sections 4101, 4102 and 4201 of the HITECH Act; or
  - ▶ Implementing, acquiring, or upgrading technology to be used by an eligible professional in an ambulatory setting, or a hospital, eligible under sections 4101, 4102 and 4201 of the HITECH Act.

### What happens if standards and implementation specification cannot support the work performed under the contract?

If standards and implementation specifications adopted in 45 CFR part 170, subpart B, cannot support the work as specified in the contract, the offeror/quoter/contractor is encouraged to use health IT that meets non-proprietary standards and implementation specifications developed by consensus-based standards development organizations. This may include standards identified in the ONC Interoperability Standards Advisory, available at <https://www.healthit.gov/isa/>.

## Contact

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## Resources

Please see the [HHS Health IT Alignment webpage](#).

### The webpage includes the following:

- [General FAQs](#)
- [Summary Overview of Adopted Standards](#)
- [HHS Health IT Alignment Policy Overview](#)

### Blogs:

- [HHS Making Progress on Department-wide Alignment of Health IT Investments](#)
- [E Pluribus Unum](#)