

June 19, 2013

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Re: Notice of *Ex Parte* Communication, WC Docket No. 02-60

Dear Ms. Dortch:

On May 20, 2013, Michelle Dougherty, Director of the American Health Information Management Association (AHIMA) and convener of the Long Term and Post-Acute Care (LTPAC) Health Information Technology (HIT) Collaborative, spoke via telephone with Linda Oliver, Christianna Barnhart, and Mark Walker of the Wireline Competition Bureau, and Maya Uppaluru of the Consumer and Governmental Affairs Bureau. The purpose of the call was to inform the Bureau staff about the LTPAC Collaborative and the broadband needs of skilled nursing facilities (SNFs), in order to help inform the Commission regarding design of a Skilled Nursing Facility Pilot Program.

Ms. Dougherty made the following observations during the call:

- *Background of LTPAC:* LTPAC has existed since 2005 as an informal collaboration of stakeholder associations in the long-term care field, including American Health Information Management Association (AHIMA), American Health Care Association / National Center for Assisted Living (AHCA/NCAL), Leading Age, and the National Association for the Support of Long Term Care (NASL). The organization hosts a Summit annually and publishes a Road Map every two years that is designed to provide guidance to stakeholders on how the long-term care sector can and should be incorporated into national goals to provide all Americans access to electronic health records. LTPAC's priorities are advanced through the Summit, participation in trade associations, and by filing comments in regulatory proceedings.
- *HITECH and its impact on incentives for long-term care:* The exclusion of SNFs from receiving meaningful use payments under the HITECH Act, coupled with current vendor EHR certifications that do not necessarily fit the needs of SNFs, has resulted in a low adoption rate of EHRs at SNFs. Ms. Dougherty explained that SNFs are not eligible to receive incentive payments for achieving meaningful use of electronic health records (EHRs) under the HITECH Act. She also stated that most SNFs are very dependent on Medicare and Medicaid and their profit margins are often paper thin. Therefore, unlike other health care professionals that are eligible for meaningful use payments and can use those payments to cover the cost of the EHR system, SNFs would likely have to pay for the cost of EHRs out of their own operating budgets.

In addition, because long-term care facilities and behavioral health centers were not included in the HITECH Act, many EHR vendors assume that SNFs do not have funds to purchase EHR systems and therefore are not developing EHR products with SNFs' needs in mind. As a result, current HITECH vendor certifications for EHR systems do not necessarily fit the needs of long-term care providers.

- *Major challenges for SNF adoption of EHRs:* In addition to exclusion of SNFs from receiving financial incentives under the HITECH Act, other factors that have impacted SNFs adoption of EHRs include the expense of the equipment and the lack of reimbursement for telemedicine under

