

What will the ARRA do for you?

The American Recovery and Reinvestment Act of 2009 (ARRA) includes significant funding for health information technology (HIT) and specifies, to some degree, how funds will be distributed. Even though details still need to be determined, providers are strongly urged to begin investigating electronic health record (EHR) software now to ensure a timely implementation of EHRs and to maximize incentive payments from Medicare and Medicaid.

Unfortunately, many providers in the human services sector have been “left out” of the grant process. Under this Act, Federally Qualified Health Centers (FQHCs), hospitals, as well as providers of physical health services were specifically named. However, Community Mental Health Centers, as well as developmental centers and providers of services to the developmentally disabled, were not included. Nevertheless, this does not mean that Medicaid incentive payments would be withheld.

However, it could take a year to determine what software to purchase and negotiate a price, and another year to test and fully implement it. Furthermore, delays in purchase and implementation are possible due to layoffs at software companies. Additionally, as with any kind of new software, training must be planned and incorporated into organizations’ budgets.

While the stimulus package includes some funding for grants and loans, most providers will need to make their own upfront investments and then recover some of those outlays with federal incentive payments. By contrast, if investments in EHR systems are not made, providers could face significant, long-term payment reductions.

What EHR Software and Vendors Need to Provide

To be considered a qualifying records system and, therefore, result in maximum incentive payments, EHR software must include the following features: electronic prescribing; computerized physician order entry; decision support functionality; the ability

to capture healthcare quality data; and the ability to support exchange of clinical data with other healthcare organizations. The federal government’s definition of a qualifying EHR system continues to evolve and will probably change over time, as new facts and concerns come to light. Therefore, providers and vendors will need to make periodic adjustments in order to maximize federal incentives.

The Certification Commission for Healthcare Information Technology (CCHIT) recently published a guide that matches its criteria for certifying EHR programs to features of EHR software. This guide is available online at http://cchit.org/files/certification/09/guide/ConciseGuideToCCHIT_CertificationCriteria_May_29_2009.pdf. However, the federal government has not yet officially determined whether it will use CCHIT’s updated criteria. “CCHIT will soon publish an updated certification handbook. Be on the lookout for it. It would be helpful if software vendors offered “iron-clad, binding agreements”

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From the Director - Bits and Bytes

Here we are at the beginning of yet another fiscal year. We've accomplished much last year, but our work is far from over.

There are so many interesting things that are happening in the world of electronic health records and the IT Project will stay at the forefront to keep you informed of the changes as well as how you might receive additional dollars to assist you in implementing an interoperable electronic healthcare record system.

As has been widely advertised, on February 17, 2009, President Obama signed into law the American Recovery and Reinvestment Act of 2009 (Recovery Act, or ARRA). Part of ARRA

was \$1 billion in state block grant funds which were to be used for the reduction of poverty, the revitalization of low-income communities, and the empowerment of low-income families and individuals in rural and urban areas to become fully self-sufficient.

The Health Information Technology for Economic and Clinical Health (HITECH) Act, which was passed as part of ARRA, had designated that in order to get \$40k+ of EHR stimulus money you have to implement a certified EHR. HITECH lets HHS decide which EHR certification criteria to use. All CCHIT vendors are hoping it will be the CCHIT certification. Chosen as primarily because some of the provision in the act aren't limited to just healthcare providers. Some of the key provisions of HITECH are:

1. HITECH provides direct, massive funding to EHRs vendors.
 2. HITECH requirements for certification of EHRs limit competition and new entrants
 3. HITECH "promises" to enfranchise existing groups [HITSP and CCHIT] into the federal hierarchy
- HITECH also aims to:
1. Make 90% of physicians in the U.S. use the Electronic Health Record (EHR) by 2020 (based on Congressional Budget Office projections).
 2. Make health information technology ubiquitous.

3. Take an aggressive approach towards interoperability of EHRs. EHRs must be certified, pursuant to HITECH. All of the certification process is not yet defined, the AllScripts and WellPoint folks think it will be done through CCHIT. However, language in the bill seems to designate NIST as responsible for interoperability and certification.

In late June 2009, the grant program got underway, but community mental health organizations (as well as other human service agencies) were absent from the

list of qualified providers that can seek assistance.

It's unfortunate that so many agencies in need were left out of this pool of resources,

which would have drastically enabled them to provide more efficient services. However, with the need of so many underserved and under-insured people requiring primary care assistance, it's not too hard to understand why the Obama Administration came to this solution. But the fight is not over and we will be tireless advocates in assuring that our state and federal legislators hear our plea for assistance.

So we have much work to do. And we at the IT Project, promise we will do everything we can to keep you informed of changes and to let you know how, when and what you need to do in order to get your fair share of this funding.

On another note, the IT Project has decided to postpone the annual IT Conference until next May. So don't fret this October when you don't receive notices from us ... the new date for the IT Conference is May 20, 2010. You'll be hearing from us on this throughout the year. As we commence planning for the event, if you want to take an active role this year by suggesting topics or speakers you have encountered during your travels, we are always open to your suggestions.

Photo



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Free Software Recommended by PC Magazine Staffers, Part V

Following are recommendations, continued from the Fall 2008 edition of *Bits & Bytes*, for free software that were published in *PC Magazine* (January 13, 2009).

Audio/Music



EphPod
www.ephpod.com

This is a full-featured and easy-to-use application that connects with the iPod. It is touted as having the ability to do whatever iTunes does in Windows. The options for syncing, building playlists and gaining iPod firmware updates are all possible, along with allowing the ability to transfer 1,000 songs in less than 30 minutes.

Songbird
www.getsongbird.com



Songbird is Mozilla's knockoff of iTunes. It is a free, open-source product that supports MP3, FLAC and Vorbis on all platforms; WMA and WMA DRM on Windows; and AAC and Fairplay on Windows and Mac.

WavePad Sound Editor
www.nch.com.au/wavepad



WavePad Sound Editor enables one to make and edit music, voice and other audio recordings. The edit features allow for cutting, copying and pasting parts of recordings, as well as adding in sound effects such as echo, amplification and noise reduction.

Backup

MozyHome Free 
www.mozy.com

The online backup system, MozyHome, enables you to backup up to 2GB of data including financial documents, e-mails, pictures, music and videos. If unlimited space is needed, the cost becomes \$4.95 per month.



SyncBack Freeware
www.2brightsparks.com/freeware

2BrightSparks' SyncBack provides easy backup and synchronization between folders, FTP sites or ZIP archives.

Blogging

Ustream.tv
www.ustream.tv



With just a webcam and Ustream, you can broadcast yourself, live, to the world. This package is most useful for bloggers, podcasters, radio stations, DJ's, etc. Once familiar with Ustream, it will be possible to add graphics, other effects and more.

Browsers



Firefox
www.mozilla.com

PC Magazine Editors' Choice award goes to Firefox which named it their favorite browser. Besides being free, this open-source system is noted as being safer, faster and easier to use than MS Internet Explorer.

Communication/E-Mail

Thunderbird
www.mozilla.com/thunderbird



Thunderbird is considered the Internet's best e-mail client from Mozilla. Its add-ons are noted as being simple to master for anyone having a POP3 or IMAP e-mail account.

Fun/Home

Springpad
www.springpadit.com



Organizing your life tasks was never easier. With Springpad, online planners for holiday meals, parties, trips and garden planning are possible. The top Springpads available are: The Weekly Meal Planner, The Date Night Planner, Receipt Manager, GTD Manager, Plan My Day and more.

Office

LucidChart
www.lucidchart.com



Flowcharts will never be complicated with the LucidChart office tool. This web application provides anyone with the ability to create basic simple, black-and-white charts that everyone else can easily understand.

Operating System

Ubuntu
www.ubuntu.com



Another product favored by PC Magazine Editors, Ubuntu is the easiest Linux to install and comes complete with a web browser, presentation, document and spreadsheet software, instant messaging and much more which will allow you to be most productive.



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TechSoup Stock Account Manager for Agencies

The IT Project and TechSoup are excited to announce a new collaboration! We hope that many provider agencies can benefit from TechSoup Stock, in addition to the wealth of information, resources and community available on www.techsoup.org. TechSoup Stock will now provide provider agencies with direct access to a TechSoup Stock Account Manager who will help expedite your TechSoup Stock order processing, assist with registration at TechSoup Stock and ensure that your organization is maximizing the benefits of TechSoup's various services. To contact the IT Project about this or if you have questions, please e-mail Ron.Gordon@NJACP-IT.org.

*If your agency already has a TechSoup account or you are just setting one up and you have multiple locations, you may be able to order the product **for each location** using one 501(c)3 entity. (See below.)*

About TechSoup Stock

TechSoup Stock (www.techsoup.org/stock) distributes donated and discounted technology products to nonprofits from companies such as Cisco, Adobe, Intuit, Symantec and Refurbished Computer Initiative (RCI). In addition, TechSoup Stock is the exclusive distributor of donated Microsoft products. TechSoup Stock provides products at the lowest possible cost, thanks to generous contributions from technology companies. Fees typically range from 4 to 20 percent of retail prices.

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What kind of help does the Account Manager provide?

The Account Manager can assist with registration, navigating the website, order processing, rules and eligibility clarification. Technical assistance and product recommendation are not services provided. We encourage each agency's representative to understand what products are needed before accessing Account Management for help with requesting a donation.

Who is my Account Manager?

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How do I place a donation request?

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Where do I send faxes?

Please submit all faxes to the attention of Ricci Powers at (415) 633-9400 and please follow up by e-mail or leave a voicemail when doing so.

How do I access the Account Manager service?

Please contact Ricci Powers at the contact information listed above. In the title of any e-mail to Ricci, please indicate that your agency is an IT Project member.

If this is your first time using TechSoup or TechSoup Stock, please be prepared to have your EIN number (federal tax ID number) and the front page of your 501(c)3 document on hand. Also, have a basic understanding of the TechSoup Stock donation program found on the TechSoup Stock website.

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Site-to-Site VPN's: A Case Study By Kurt Wurmser

A NJAMHA IT Project client operated several group homes for mental health consumers. Group home staff had access to computers and the Internet, but not agency resources such as mapped drives or the agency Exchange server. Documentation created by staff was saved locally, including important client records. The documentation was not available to upper management, was not included in backup strategy and was not even available to staff using different workstations at the same location. Staff used one generic "staff" login, making it impossible to distinguish who had been using a workstation at any particular time.

Since this client already had Internet access, all that was needed was to purchase VPN-capable hardware for the group homes. Cisco PIX firewalls, available from Techsoup.org, met the need economically. Creating the VPN connection required approximately one hour's work at each location. Then, each workstation had to be joined to the Windows domain at the main office. User accounts and mail accounts were created for each staff member, and they

were trained in the new logon procedures. Each group home received a secured folder on a shared drive, which was accessible only by their staff and selected members of upper management. Each staff member also received a private user folder and an Exchange account.

Since a VPN uses an Internet connection to create its private connection, there was no increase in monthly expenses to implement this solution, only the one-time purchase of hardware. Documents created by staff are now saved on the server, where they are included in nightly backups and are available to other authorized users within the agency. Since each staff member has his or her own user account, it is now possible to track use of workstations. Group home staff now has access to e-mail and shared drives, making it much easier for home office staff and group home staff to communicate, collaborate and share data. Implementing the VPN was a cost-effective solution for several problems for this agency.

Is Having the Latest Smartphone Smart for Your Company Data?



It seems there is a new smartphone coming out every week. We all drool over the device. It is sleek, unique, it just says so much about the owner. Let's just admit it: you want to be the first one in the company with the new gadget. But, have we opened up the biggest can of worms when it comes to our business' precious data?

Security threats were bound to catch up with the proliferation of smartphones across the enterprise. More than half of mobile device makers said their products experienced malware, voice- or text-spam attacks last year, according to a newly published report from McAfee.

All the experts have been warning about smartphones, such as Windows Mobile and iPhone handsets, stating they could become the new weakest link in the enterprise, with more users relying on them for accessing corporate e-mail, surfing the Web and using other applications. Users want to do everything on them. They want to read their corporate e-mail and look up their business contacts and their customer information. Remember, you are on a smartphone, totally bypassing your company's IT infrastructure to do so. Thus, you are putting sensitive corporate data at risk.

Mobile device manufacturers from around the world are stating that malware attacks are happening at an alarming rate. As a result, they are spending more money on recovering from them.

Nearly 55 percent said network or service-capacity problems have ensued due to mobile security incidents -- up from 25 percent in 2007. Around half said third-party application/content problems had plagued their devices last year, up from around 25 percent in 2007. Around 48 percent said their devices accounted for data loss problems, up from around 27 percent in 2007.

Enterprise smartphones are starting to get hit with the types of security problems wireless LANs have been facing. You have to apply the same rules you have for laptops and handhelds to smartphones. Viruses -- especially via Windows -- can be carried from smartphones to the network, he says, which puts the entire infrastructure at risk. It is more complicated to identify a smartphone on your network than a laptop or handheld device.

Last fall, a new smartphone-specific malware variant called Beselo emerged, prompting warnings from

mobile security vendor AdaptiveMobile, which said one of its mobile operator customers (it wouldn't identify them by name) gets hit with 100,000 virus incidents each day. That same provider had previously seen a total of 70,000 in one year. Beselo spreads via Bluetooth and Multimedia Message Service (MMS) and goes after all smartphones, according to AdaptiveMobile.

Last year, McAfee surveyed mobile manufacturers, and between 10,000 and 1 million handsets experienced data-loss incidents last year; voice- or text-spam attacks have hit the most devices overall, with more than 20 percent of respondents reporting that in excess of 1 million of their devices had been hit with these attacks. Nearly 50 percent said they have experienced an increase in costs for patching and fixing their devices.

But this is only the first wave of security woes that will eventually plague smartphones. As the desire for more applications increase, so will the need to keep ahead of the security problems. Sometimes it is best to let the new gadget work out the issues for six months or more before you jump in the pool. So, you will not be the coolest one at the meeting. But, your data will be the safest in the room. Everyone loves publicity, but you do not want to be the one that causes your company to be in the news because of a security breach that started on your smartphone.

One mobile device chipset vendor quoted in the survey said the combination of multimedia applications and opening up of mobile operating systems "will be the tipping point" for mobile security problems.



The Next Version of Windows

Do you know that there is a new version of Microsoft Windows now out and being Beta tested? Microsoft has been working on Windows 7 for a couple of years now and it is expected to be released sometime in November. You might be wondering, “What about Vista?” Windows Vista has not been well received in the business community and most companies, along with the IT Project, have been staying with or recommending users stay with Windows XP.

There are three major reasons for our recommendation: Most IT professionals never recommend changing to the first revision of a new Operating System (OS) in a production environment. Although Microsoft has released Service Pack 1 for Vista, businesses have still not made the move to upgrade to Vista; Vista needs hardware since Vista will not run very well on a standard computer that is currently running Windows XP. The cost of upgrading or replacing computers is too great for most companies and there are not enough enhancements in Vista to justify the expense; when Vista was released, there had been many changes very quickly right up to the end of its official release, and software and hardware vendors could not prepare their products to run with Vista. Since many companies depended on these third party products to run on Windows, businesses decided to stay with Windows XP. Also, since Vista was rushed to release, there were many bugs that had to be fixed with patches and SR 1.

Microsoft says it has learned from its mistakes with Vista and Windows 7 fixes those mistakes. First, the hardware requirements for Windows 7 have been reduced, so it is more likely that a computer running Windows XP can run Windows 7 or at least be upgraded with minimal expense.

Here are the initial hardware requirements for the Beta version. These requirements are subject to change and are the minimum requirements:

- 1 GHz 32-bit or 64-bit processor
- 1 GB of system memory
- 16 GB of available disk space
- Support for DirectX 9 graphics with 128 MB memory (in order to enable Aero theme)
- DVD-R/W Drive
- Internet access

So what's new?

Windows 7 was designed to be faster, more reliable and more compatible with third party software and devices. There are several new features to Windows 7. Microsoft has focused on the basics that can impact the speed of your PC. Windows 7 starts up, shuts down, resumes from standby and responds faster. You'll have fewer interruptions and can recover more quickly from problems when they do occur because Windows 7 will help you fix them when you want. With laptops outselling desktop computers, Microsoft addresses your laptop battery, making it

last longer with power-saving features, such as adaptive display brightness, which dims the display if you haven't used your PC for a while. One big complaint about Vista is the number of warning messages it pops up. In Windows 7, you get to choose the messages you want to see.

Even if you do not change a thing, you will still see fewer notifications and icons popping up because the Action Center consolidates alerts from 10 Windows features, including Security Center and Windows Defender.

Rather than popping up with a message in the lower right of your screen, if Windows 7 needs your attention, you'll see an Action Center icon and can find out more by clicking it. If you don't have time to look at the alert immediately, Action Center will keep the information waiting for you to address later.

The Taskbar

The taskbar at the bottom of your screen is what you use to switch between the applications that you have open. In Windows 7, you can set the order in which the icons appear and they will stay put. The icons are easier to see as well. Click once on the new large icons or bigger preview thumbnails and you are ready to go. You can even see a full screen preview before switching to the window.

Jump Lists

With Windows 7, Microsoft has focused on keeping the things you use most right in front of you. The new Jump List feature is a handy way to quickly reach the files with which you've been working. To see the files you've used recently, just right-click on the icon on your taskbar. So, right-clicking on the Word icon will show your most recent Word documents. Plus, if there are other files you want to keep handy, you can just pin them to the Jump List. **Did you know** that in Windows XP, you anchor or pin a program to the left column of the start menu? If you would like a program to appear in the left column of the start menu, right-click on the program's icon and select “Pin to Start Menu”.

New Ways to Work with Windows

Windows 7 simplifies how you work with the windows on your desktop. You will have more intuitive ways to open, close, resize and arrange them. Currently, when you want to resize an application window, you need to find a corner and drag it around until you get the right size. With Windows 7, you can drag open windows to, for example, screen borders, maximize a window by dragging its border to the top of the screen and return the window to its original size by dragging it away from the top of the screen. Drag the bottom border of a window to expand it vertically.

It is easy to copy files or compare the contents of two windows by dragging the windows to opposite sides of the screen. As your cursor touches the edge, the window will resize to fill that half of the screen.

To see all your desktop gadgets, just drag your mouse to the lower right corner of your desktop. That'll make all the open Windows transparent—making your desktop, and the gadgets on it, immediately visible. Want to minimize all of your windows?

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Sonicwall CDP Tips and Tricks

The Sonicwall CDP is a very good device for performing your backups. It keeps multiple copies of files and can be used to restore from multiple points of time. The ability to have multiple units to store data off-site is also a great thing. However, there are some issues with the configuration. This article provides information to help you configure your Sonicwall CDP better.

Exchange 2007

The Sonicwall has always supported Microsoft Exchange 2000 and 2003 right out of the box. Recently, Sonicwall released support for Exchange 2007. The configuration of it is not as simple as it was with 2003. First, Microsoft Exchange 2007 needs to be upgraded to Service Pack 1 (SP1). Upgrading service packs is a normal part of network administration and should be done anyway; but, here is where it gets a little tricky. Microsoft Exchange 2007 is only supported in 64 bit mode for production use and the 64 bit version does not include a needed file for the Sonicwall to work correctly. You need to download and extract the 32 bit version of Microsoft Exchange 2007 to get the required file EsEbCli2.dll.

Copy this file from <extracted>\setup\serverroles\common to c:\program files\sonicwall\sonicwall Continuous Data Protection\. You can then complete the configuration just as you would for the older versions of Microsoft Exchange. It is important to note that you get the correct version of this file. The required version at present is 8.1.240.3. The other most commonly seen one is 8.1.240.5. *The non-working one has 361KB in size and the file version is 8.1.240.5.*

Backup Growth

A real problem with Sonicwall is the growth of agents. Since the device makes a copy of a file every time it is changed, files with extensions like pst, bak, tmp and log are files that constantly change and can cause backups to grow quickly and fill all the space in the agent. To curb this problem, Sonicwall has built into the policy an area to stop the device from backing up files based on the extension.

From the start menu, run the Sonicwall CDP enterprise manager and log in with your password. Select "Profiles".

On the Profiles page, select the profile that you want to edit; you can select "Edit Profile" and the edit window will open.

Click on the two dots next to the Filters section and the "Add Filters" window will open. Click the "Add" button and you will get a box allowing you to add file extensions that you do not want to back up. The extensions must be added one at a time. Do this for all the profiles that you have and this should slow the growth of your agents.

Offsite Storage

There is only one main pitfall when configuring off-site storage. That pitfall is caused by having to keep a TCP port open on your router or firewall which the Sonicwall requires. TCP port 2022 must be open and forwarded to the upstream and downstream box for communications to work.

These tips can help you to make the Sonicwall CDP an integral part of your network and allow you to spend less time managing it.



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Watch Out for HIPAA Changes in ARRA

Just when you thought you'd mastered the COBRA changes in the economic stimulus package signed by President Obama on February 17, 2009, here come changes to the Health Insurance Portability and Accountability Act, or HIPAA. (Reminder: The stimulus package was titled the American Recovery and Reinvestment Act or ARRA.)

Casting a wider HIPAA net. The revisions do not affect all employers, but do impact a significant number in the healthcare sector. Covered are health plans (such as insurers), healthcare providers, and healthcare clearinghouses (defined as entities that provide billing or other processing services, acting as liaisons between providers and plans or plans and payers). We asked Jennifer N. Willcox, an attorney with Pullman & Comley at the firm's Bridgeport, Connecticut, office to discuss the changes with us.

A specialist in healthcare law, Ms. Willcox notes that Title XIII of ARRA, known as the HITECH Act, is the source of dozens of HIPAA revisions. The most sweeping change, she believes, is to the obligations of "business associates". These are organizations under contract to health plans, providers, or clearinghouses to perform various outsourced functions that involve access to private health information. When the HITECH Act becomes effective, in February 2010, these associates will be subject, for the first time, to the same civil and criminal penalties that can now be assessed against plans and providers for HIPAA violations.

In the past, "business associate agreements" were crafted to ensure that vendors and contractors protected private health information, so Willcox thinks plans and providers may have to inventory all of their agreements to make them compliant with HITECH. And here's another wrinkle, "business associates will now have an express obligation to 'rat out' [plans or providers] ... if they have knowledge that a ... customer is violating the regulations," she says.

Security breaches must be disclosed. Although many state laws require that people whose personal information is stolen be notified by the company from which it was stolen, the HITECH Act adds a federal obligation to those laws — "a significantly more onerous" one, says Willcox. "Covered entities"—HIPAA jargon for plans and providers—must tell individuals, within no more than 60 days, if their personal information has been acquired or used without authority. The Act also dictates the content of such notices. And, if the data on 500 or more people are breached, the covered entity from which it was taken must report the incident to the Secretary of Health and Human Services (HHS); HHS will post such breaches on its website.

Meanwhile, all covered entities must report annually breaches involving fewer than 500 people. But there is a safe harbor for personal health information that is secured through a recognized encryption or similar method.

Individual rights have more teeth. Willcox notes that the original HIPAA rule gave individuals the right to request that the disclosure of their private health information be restricted; but, covered entities did not have to honor that request. Once the HITECH Act is in effect, such a request must be honored if the information is related to an item or service for which the patient paid out of pocket.

Here's an example: An individual wants a genetic test and pays for it him- or herself. In order to prevent the health plan from seeing the result of the test, which might lead to a premium increase if the person appears vulnerable to disease or disorder, the covered entity, usually the healthcare provider, must act to ensure that the test results are not disclosed.

Willcox predicts that complying with this rule could be burdensome for providers, as they must segregate certain information from the rest of an individual's records. Further, some disclosures of private health information must be tracked by covered entities, and individuals can ask for an accounting of those disclosures—on the theory that patients may be able to identify the source of a breach of their data. Under HITECH, any covered entity that uses electronic health records will have to account for all disclosures on request. Willcox reports that many providers and information technology consultants believe that this aspect of HITECH will be harder to achieve than Congress apparently thought it would be; electronic record systems may not be as efficient as legislators thought and enforcement will be stronger. Congress also apparently felt that HIPAA enforcement was often lax, so legislators beefed it up. For example, criminal penalties will apply not only to covered entities that violate privacy rules but also to those organizations' individual employees. Moreover, not only have civil penalties been increased but they can be shared with harmed individuals. Most important, HITECH gives state attorneys general the power to enforce HIPAA rules. That "will undoubtedly mean greater attention to enforcement at the state level," says Willcox.

In summary, the HITECH Act addresses five major areas in the existing HIPAA regulations, with varying effective dates. These areas are:

- Business associates
- Privacy and security breaches
- Disclosure, sales and accounting of PHI
- Health care operations
- Enforcement

Business Associates

Previously, HIPAA applied only to covered entities and indirectly to business associates, which perform Personal Health Information related functions for them. Covered entities were required to execute a business associate agreement (BAAs) to ensure that business associates followed the rules.

Under the HITECH Act, all of the HIPAA rules apply directly to business associates, including penalties. In addition, vendors providing data transmission services related to PHI are now considered business associates and must sign BAAs. These might include health information exchange organizations and personal health record (PHR) vendors.

Privacy and Security Breaches

Previously, there was no requirement to report privacy and security breaches, except from the business associate to the covered entity. Under the HITECH Act, covered entities must notify individuals when their unsecured PHI has been compromised and must maintain a breach log, submitting it annually to HHS. Similar rules apply to PHR vendors. HHS is tasked with defining what "unsecured PHI" means by April 18, 2009.

What will the ARRA do for you?

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to meet emerging standards. ***In addition, contracts should specifically require vendors' full compliance with federal requirements before they are paid for the software.***

ARRA Provisions

ARRA provides \$2 billion in "jump start" funding that the U.S. Department of Health and Human Services (DHHS) can distribute during the next two years. Of this amount, \$300 million will be dedicated to health information exchange initiatives; \$20 million will go to the National Institute for Standards and Technology for data standards development; and \$5 million will be dedicated for administration.

The remaining \$1.7 billion can be used for developing certified EHR software if DHHS determines that the private market does not meet certain providers' needs; creating infrastructure for telemedicine; promoting technology and best practices for enhanced protection of personal health information (PHI); promoting interoperability of clinical data repositories; and improving and expanding public health departments' use of HIT.

The law also provides \$17.2 billion for Medicare and Medicaid incentive payments to doctors and hospitals that demonstrate meaningful use of EHR systems, over a five-year period.

Medicare incentives for hospitals are scheduled to begin in October 2010. Physicians, and, we hope, mental health providers, can begin receiving Medicare incentives in January 2011; also at this time, Medicaid incentives will begin for both physicians and hospitals. While "meaningful use" has not yet been fully defined, the federal government may measure this in several ways, including: requiring a code on claims to signify that an EHR was used; conducting a survey of providers and requiring detailed reports on clinical quality measures, but this is still to be decided. Each physician with an operational EHR system by the start of 2011 or 2012 could receive up to \$44,000 from Medicare and even more for if they work in underserved areas. Each hospital could receive between \$2 and \$11 million.

In addition, the law provides \$100 million to train 10,000 IT professionals from other industries to work in health care.

HITECH Act

ARRA also includes the Health Information Technology for Economic and Clinical Health (HITECH) Act, which expands the authority of the Office of the National Coordinator for Health Information Technology (ONC) and makes it a permanent part of DHHS. The HITECH Act sets parameters for the government to develop policies and standards, in collaboration with industry stakeholders, to support a national health information technology framework.

Through a loan fund that the ONC established, states can apply for grants that will be awarded beginning on or after January 1, 2010. States may use these funds to administer loans to providers for HIT adoption, training and utilization. They would be required to match the funds at the rate of \$1 for every \$5 in federal funding, at a minimum.

Congress expects to have a 2010 operating plan for HIT initiatives by November 2009 and by December, HHS will need to have developed "interim final rules for initial sets of standards to support a national health information network," according to *Health Data Management*.

The ONC released an operating plan for implementing the provisions of the HITECH Act, including timetables for defining "meaningful use" of EHRs. The plan, which is available online at http://www.hhs.gov/recovery/reports/plans/onc_hit.pdf, also includes regulations, guidance, reports and studies relating to HIPAA. In addition, the document contains tasks and timelines for enforcement of these rules.



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HIPAA Changes in ARRA

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Individual notifications must occur without unreasonable delay within a maximum of 60 days after the breach is discovered. When individuals cannot be located, a covered entity might have to post a notice on its public website. Large breaches require additional notification. If more than 500 people are affected, the covered entity must notify HHS and local print and broadcast media outlets.

Disclosure, Sales and Accounting of PHI

In the past, various entities have used the broad exceptions to the use and disclosure rules to sell PHI for various health-related purposes. Under the HITECH Act, such activity is prohibited.

Individuals have always had a right to receive a covered entity's accounting of PHI disclosures other than those needed for treatment, payment or health care operations. Under the HITECH Act, the exception does not apply to electronic disclosures made in the past three years. An individual can also direct a health care provider to not disclose PHI with the health plan once the provider has been paid in full. An employee can also request access to PHI in electronic format and have it sent to another person or entity.

Health Care Operations

There was always a blurry line when it came to using PHI for marketing purposes, which required individual authorization. Covered entities sometimes asserted that their use of PHI qualified as "health care operations", which do not require individual authorization. The HITECH Act clamps down on this practice. The communication must specifically qualify as an exception to "marketing", and the covered entity cannot receive any compensation in the process. The law provides an exception where the communication describes only a prescription drug or biologic and payment is reasonable in amount.

Enforcement

Although civil money penalties have been available for several years, HHS never imposed a single penalty, opting instead for resolution agreements and consent orders, which sometimes entailed agreed-upon fines. Previously, audits were within the discretion of HHS. Under the HITECH Act, periodic audits are mandatory. Formal investigations of complaints are also required. Noncompliance due to willful neglect must result in the imposition of a civil money penalty. The Attorney General offices of every state can sue individuals for HIPAA violations. The caps on various

New Jersey Recovery Act (ARRA) Funding

Program	Total for State
<u>Child Support Enforcement Program</u>	\$0
<u>Disproportionate Share Hospitals (DSH) Allotments for Fiscal Year 2009</u>	\$15,765,386
<u>AoA ARRA Funding Distribution for Nutrition Services to States</u>	\$2,771,348
<u>State Adoption Assistance and Foster Care Funding Table</u>	\$2,549,206
<u>State/Territories Medicaid and Territories Prescription Drug Program Funding</u>	\$579,975,506
<u>Increased Demand for Community Health Care Services (IDS) Grants by States</u>	\$6,820,825
<u>TANF State Family Assistance Grants and Maximum Emergency Fund Eligibility as of 10/1/2008*</u>	\$202,017,412
<u>American Recovery and Reinvestment Act, Section 317 Immunization Funding</u>	\$5,936,031
<u>FY 2009 Child Care and Development Fund American Recovery and Reinvestment Act (ARRA) State and Territory Allocations¹</u>	\$34,106,014
<u>Recovery Funding for Community Services Block Grant</u>	\$27,391,962
<u>New Access Points Community Health Care Services Grants by State/Territory</u>	\$2,600,000
New Jersey Total	\$879,933,690

HHS is committed to a timely implementation. Plans for spending, reporting, auditing, and investigation of fraud and abuse of Recovery funds are being developed and will be made available here.

Total Obligated HHS Funds: \$28.9 Billion (as of 4/24/09)

Total Disbursements: \$14.0 Billion (as of 4/24/09)

List of Programs for Which Funding Has Been Announced:

- Adoption Assistance and Foster Care Programs
- Child Care and Development Fund
- Child Support Incentives
- Community Health Center Program
- Community Services Block Grant Program
- Comparative Effectiveness Research Funding
- Disproportionate Share Hospital Program
- Immunization Grants Program
- Medicaid and Prescription Drug Funding
- NIH Medical Research and Construction Funding
- Senior Nutrition Programs
- Temporary Assistance for Needy Families (TANF) Programs



penalties have been raised, with the top threshold fixed at \$1.5 million.

HHS must issue regulations, within the next three years, to allow individuals to receive a portion of any civil monetary penalty or monetary settlement. This new financial incentive may bolster enforcement activity as HHS will likely get a lot of help from individuals (and presumably their attorneys).

To read more, go to: <http://www.hhs.gov/ocr/privacy/hipaa/understanding/coverentities/federalregisterbreachrfi.pdf>

Following is a template that an agency may need to fill out from TechSoup, NJAMHA will also provide in electronic format.

August 8, 2009,

To Whom it May Concern:

The address on our 501(c)(3) letter is :

1212 Mockingbird Lane, Ocean, NJ 00000

The shipping addresses registered with TechSoup Stock are:

865 Diamond Rd. Queens, NY 12345

1248 Bryant Ave., New Hope, PA 00000

These addresses are different because:

These addresses are different branch locations with separate official budgets.

Website that may list individual addresses (if you have it posted):

Contact information:

Me

My Non-Profit Org

1212 Mockingbird Lane,

Ocean, NJ 00000

IT Administrator

itadmin@nonprofit.org

(973)123-4567

TechSoup Stock Account Manager

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Please begin by reviewing the TechSoup website and the "Getting Started" page (<http://www.techsoup.org/stock/gettingstarted>). Information on the following topics will help you and Ricci Powers expedite your donation request as quickly and accurately as possible:

- TechSoup Stock at a Glance
- Eligibility to Participate
- Registering Your Organization
- Placing an Order
- Check the Status of Your Order
- Overview of Registration Process
- Other Frequently Asked Questions

And be sure to take a look at a current list of donation programs potentially available to you in our Browse by Partner section, where you will find links to the philanthropy program pages for all of our 37 Donor partners and their offerings.

What should I have ready to provide during a call?

Please be ready with your EIN number, your organization name as it was entered into the TechSoup system and anything else pertinent to the kind of help you need: order number, shipping information, passwords, etc.

What kind of availability can I expect from the Account Manager?

The Account Manager is available Monday through Friday, 9:00AM to 5:00PM Pacific Standard Time. The Account Manager may not always be available to immediately accept your call or answer your e-mail, but will always respond within 24 hours of your initial request for help. Often times, this may be a call to set up time for a scheduled interaction, depending on your request. Please do leave a full message via e-mail or phone, always including your EIN number, organization name, phone number and a good time to reach you.

What is the time frame for registration and qualification?

Registering yourself and your Agency Center with TechSoup will take up to 30 minutes. The Account Manager can verify eligibility of your center and qualify you for donation requests within a week.

How do I register or modify my account if we have multiple locations?

If your agency has multiple locations, please fill out the multiple locations form provided and call Ricci Powers to discuss the fact that you have multiple locations. The process of registering your account with multiple locations is enhanced if your company's website lists the locations on it. We do understand, however, that you might not list all your locations, such as residential group homes, on a public website, so please remember to include them when you are discussing this issue with the Account Manager.



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Summer 2009

The Next Version of Windows

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Click once and it's done.

Better device management

One of the great things about PCs is how they let us use such a wide array of devices. In the past, you had to use several different screens to manage different types of devices. But with Windows 7, you'll use a single Devices and Printers screen to connect, manage and use whatever printers, phones and other devices you have on hand.

A new technology in Windows 7 called Device Stage takes device management a step further. Device Stage helps you interact with any compatible device connected to your computer. From Device Stage, you can see device status and run common tasks from a single window. There are even pictures of the devices, which makes it really easy to see what is there.

There is plenty of information on the web regarding Windows 7. Instead of regurgitating the information in this article, here are some links to help you get started and familiar with Windows 7:

Microsoft's Windows 7 home

<http://www.microsoft.com/windows/windows-7/default.aspx>

Wikipedia, a little history and how it was developed

http://en.wikipedia.org/wiki/Windows_7

From InfoWorld, four articles that give you the good, the bad and the ugly of Windows 7 in Randall C. Kennedy's opinion.

Part One with links to parts 2-4

<http://www.infoworld.com/d/windows/windows-7-good-bad-and-ugly-episode-1-715>



Tidbits from TechSoup.

Check out this new blog posted on TechSoup's Blog site: <http://blog.techsoup.org/node/813>
Reduce Travel by telecommuting.

The author points out some very good strategies for employees and volunteers to work from home or a remote location. New information and communication technologies are making telecommuting much more effective. The blog goes on to address two major concerns from organizations today: How to supervise telecommuters and data security. This is a must read if your organization is gearing up for telecommuters!