

Good work. Thank you.

Sent: [REDACTED]

To: [REDACTED]

Senator Thune, et al:

I am writing to express my gratitude for your recent whitepaper, "REBOOT." I am a software developer at a major EHR developer, although I'm writing from my personal account because I don't want to speak for the company as a whole.

There is, perhaps, a perception in the industry that companies like mine (and me, by extension) have grown fat and content on government largesse and thus encourage further stages of meaningful use. Nothing could be further from the truth. We sold our software before HITECH, and we'll make sales after HITECH. We did this not because providers were incited with carrots or beaten with sticks; no, people bought the products I developed because they saw that what I made brought them value. That's how the market worked before, and that's how the market should work.

Instead, HITECH determined it would be beneficial to create a false economy, buoyed on an infusion of cash. This was irresponsible. The irresponsibility can be seen now, in a market flooded with inferior products. It can be seen in the 801 products that are "certified" but have not been used. And now ONC is demanding a user fee to support these useless products, which I find insulting and ultimately short sighted. Suggesting that these fees will stay capped at \$1M is laughable.

My experience in working with meaningful use certification has proven ONC to be disorganized, error-prone, disrespectful, rude, and with very little regard for quality. When I began my career, we worked with doctors to determine what they needed from their software, and then we built the software to support them in transforming how they deliver care. Now, ONC sets the requirements, based on feedback from people who don't use the software. And ONC enforces the requirements, poorly. What happened to the consumer?

May I share a story with you? Years ago, I wrote a tool based on national standards that would allow a patient to download his or her medical record. Before ONC and certification, developers used to work together to test the interoperability of our products (free of regulation, of incentive, but simply because it was what our users wanted), and I submitted the downloaded files to be tested to make sure it followed nationwide interoperability standards. Fast forward to this February, when said standards were made required by certification. Imagine my surprise when I saw that ONC was distributing my code as test data to our 3000 closest competitors. Even worse, they (through their subcontractor) had modified it, just a little, in such a way that it no longer complied with said standards; thus, it was also incorrect and useless. I was flabbergasted.

To me, this typifies my experience with ONC and certification: a complete disregard for intellectual property and market-based competition, hubristic, late, rushed, and incorrect. They have proven themselves incapable of this project. You are correct: we need to take a measured look at where our taxpayer dollars are going and what they are buying. ONC thinks simply spending them is a victory; I disagree.

Thank you for your time and your courage. As a lifelong Democrat, it pains me to say that this farce has disillusioned me and my faith in my party. I'm glad you took the time to speak up. Well done.

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