

(xii) the results expected from proposed respite care activities and the procedures to be used for evaluating those results;

(C) assurances that, where appropriate, the eligible State agency will have a system for maintaining the confidentiality of care recipient and family caregiver records; and

(D) a memorandum of agreement regarding the joint responsibility for the eligible State agency's lifespan respite program between—

- (i) the eligible State agency; and
- (ii) a public or private nonprofit state-wide respite coalition or organization.

(e) Priority; considerations

When awarding grants or cooperative agreements under this section, the Secretary shall—

- (1) give priority to eligible State agencies that the Secretary determines show the greatest likelihood of implementing or enhancing lifespan respite care statewide; and
- (2) give consideration to eligible State agencies that are building or enhancing the capacity of their long-term care systems to respond to the comprehensive needs, including respite care needs, of their residents.

(f) Use of grant or cooperative agreement funds

(1) In general

(A) Required uses of funds

Each eligible State agency awarded a grant or cooperative agreement under this section shall use all or part of the funds—

- (i) to develop or enhance lifespan respite care at the State and local levels;
- (ii) to provide respite care services for family caregivers caring for children or adults;
- (iii) to train and recruit respite care workers and volunteers;
- (iv) to provide information to caregivers about available respite and support services; and
- (v) to assist caregivers in gaining access to such services.

(B) Optional uses of funds

Each eligible State agency awarded a grant or cooperative agreement under this section may use part of the funds for—

- (i) training programs for family caregivers to assist such family caregivers in making informed decisions about respite care services;
- (ii) other services essential to the provision of respite care as the Secretary may specify; or
- (iii) training and education for new caregivers.

(2) Subcontracts

Each eligible State agency awarded a grant or cooperative agreement under this section may carry out the activities described in paragraph (1) directly or by grant to, or contract with, public or private entities.

(3) Matching funds

(A) In general

With respect to the costs of the activities to be carried out under paragraph (1), a con-

dition for the receipt of a grant or cooperative agreement under this section is that the eligible State agency agrees to make available (directly or through donations from public or private entities) non-Federal contributions toward such costs in an amount that is not less than 25 percent of such costs.

(B) Determination of amount contributed

Non-Federal contributions required by subparagraph (A) may be in cash or in kind, fairly evaluated, including plant, equipment, or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

(g) Term of grants or cooperative agreements

(1) In general

The Secretary shall award grants or cooperative agreements under this section for terms that do not exceed 5 years.

(2) Renewal

The Secretary may renew a grant or cooperative agreement under this section at the end of the term of the grant or cooperative agreement determined under paragraph (1).

(h) Maintenance of effort

Funds made available under this section shall be used to supplement and not supplant other Federal, State, and local funds available for respite care services.

(July 1, 1944, ch. 373, title XXIX, § 2902, as added Pub. L. 109-442, § 2, Dec. 21, 2006, 120 Stat. 3292.)

§ 300ii-2. National lifespan respite resource center

(a) Establishment

The Secretary may award a grant or cooperative agreement to a public or private nonprofit entity to establish a National Resource Center on Lifespan Respite Care (referred to in this section as the "center").

(b) Purposes of the center

The center shall—

- (1) maintain a national database on lifespan respite care;
- (2) provide training and technical assistance to State, community, and nonprofit respite care programs; and
- (3) provide information, referral, and educational programs to the public on lifespan respite care.

(July 1, 1944, ch. 373, title XXIX, § 2903, as added Pub. L. 109-442, § 2, Dec. 21, 2006, 120 Stat. 3295.)

§ 300ii-3. Data collection and reporting

(a) In general

Each State agency awarded a grant or cooperative agreement under section 300ii-1 of this title shall report such data, information, and metrics as the Secretary may require for purposes of—

- (1) evaluating State programs and activities funded pursuant to such grant or cooperative

agreement, including any results pursuant to section 300ii-1(d)(2)(B)(xii) of this title; and

(2) identifying effective programs and activities funded pursuant to section 300ii-1 of this title.

(b) Report

Not later than October 1, 2023, the Secretary shall submit a report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives regarding the outcomes of the programs and activities funded pursuant to section 300ii-1 of this title, including any effective programs and activities identified.

(July 1, 1944, ch. 373, title XXIX, §2904, as added Pub. L. 109-442, §2, Dec. 21, 2006, 120 Stat. 3295; amended Pub. L. 116-324, §2(a), Jan. 5, 2021, 134 Stat. 5085.)

Editorial Notes

AMENDMENTS

2021—Pub. L. 116-324 amended section generally. Prior to amendment, section required the Secretary to report to Congress by Jan. 1, 2009, on the activities undertaken under this subchapter.

§ 300ii-4. Authorization of appropriations

There are authorized to be appropriated to carry out this subchapter, \$10,000,000 for each of fiscal years 2020 through fiscal year 2024.

(July 1, 1944, ch. 373, title XXIX, §2905, as added Pub. L. 109-442, §2, Dec. 21, 2006, 120 Stat. 3296; amended Pub. L. 116-324, §2(b), Jan. 5, 2021, 134 Stat. 5085.)

Editorial Notes

AMENDMENTS

2021—Pub. L. 116-324 substituted “subchapter, \$10,000,000 for each of fiscal years 2020 through fiscal year 2024.” for “subchapter—

- “(1) \$30,000,000 for fiscal year 2007;
- “(2) \$40,000,000 for fiscal year 2008;
- “(3) \$53,330,000 for fiscal year 2009;
- “(4) \$71,110,000 for fiscal year 2010; and
- “(5) \$94,810,000 for fiscal year 2011.”

SUBCHAPTER XXVIII—HEALTH INFORMATION TECHNOLOGY AND QUALITY

§ 300jj. Definitions

In this subchapter:

(1) Certified EHR technology

The term “certified EHR technology” means a qualified electronic health record that is certified pursuant to section 300jj-11(c)(5) of this title as meeting standards adopted under section 300jj-14 of this title that are applicable to the type of record involved (as determined by the Secretary, such as an ambulatory electronic health record for office-based physicians or an inpatient hospital electronic health record for hospitals).

(2) Enterprise integration

The term “enterprise integration” means the electronic linkage of health care providers, health plans, the government, and

other interested parties, to enable the electronic exchange and use of health information among all the components in the health care infrastructure in accordance with applicable law, and such term includes related application protocols and other related standards.

(3) Health care provider

The term “health care provider” includes a hospital, skilled nursing facility, nursing facility, home health entity or other long term care facility, health care clinic, community mental health center (as defined in section 300x-2(b)(1) of this title), renal dialysis facility, blood center, ambulatory surgical center described in section 13957(i) of this title,¹ emergency medical services provider, Federally qualified health center, group practice, a pharmacist, a pharmacy, a laboratory, a physician (as defined in section 1395x(r) of this title), a practitioner (as described in section 1395u(b)(18)(C) of this title), a provider operated by, or under contract with, the Indian Health Service or by an Indian tribe (as defined in the Indian Self-Determination and Education Assistance Act [25 U.S.C. 5301 et seq.]), tribal organization, or urban Indian organization (as defined in section 1603 of title 25), a rural health clinic, a covered entity under section 256b of this title, an ambulatory surgical center described in section 13957(i) of this title,¹ a therapist (as defined in section 1395w-4(k)(3)(B)(iii) of this title), and any other category of health care facility, entity, practitioner, or clinician determined appropriate by the Secretary.

(4) Health information

The term “health information” has the meaning given such term in section 1320d(4) of this title.

(5) Health information technology

The term “health information technology” means hardware, software, integrated technologies or related licenses, intellectual property, upgrades, or packaged solutions sold as services that are designed for or support the use by health care entities or patients for the electronic creation, maintenance, access, or exchange of health information²

(6) Health plan

The term “health plan” has the meaning given such term in section 1320d(5) of this title.

(7) HIT Advisory Committee

The term “HIT Advisory Committee” means such Committee established under section 300jj-12(a) of this title.

(8) Individually identifiable health information

The term “individually identifiable health information” has the meaning given such term in section 1320d(6) of this title.

(9) Interoperability

The term “interoperability”, with respect to health information technology, means such health information technology that—

¹So in original. The words “ambulatory surgical center described in section 13957(i) of this title” appear in two places.

²So in original. Probably should be followed by a period.