

## Health Information Technology Exchange of Connecticut

Board of Directors Meeting Minutes

Monday, April 18, 2011

4:30 PM – 6:30 PM

**COMMITTEE MEMBERS PRESENT:** Jewel Mullen, MD, MPH, MPA(Chair), Thomas Agresta, MD (Vice Chair), Ellen Andrews, PhD, Lisa Boyle, Esq., Daniel Carmody, Kevin Carr, MD (phone), Steve Casey, Peter Courtway, Mark Heuschkel, Brenda Kelley, John Lynch, Mark Masselli, Angela Mattie, JD, Steven Thornquist, MD, Barbara Parks Wolf

**COMMITTEE MEMBERS ABSENT:** Lt. Governor Nancy Wyman, Ronald Buckman, MD, and John Gadea

**STATE AGENCY REPRESENTATIVES:** William Gerrish (DPH), Marianne Horn (DPH), Sarju Shah (DPH), Warren Wollschlager (DPH)

**PUBLIC REPRESENTATIVES:** Doug Arnold (MPS, eHealthCT), John Brady (CHA), Scott Cleary (eHealthCT), Erin Cornell (UCHC), John DeStefano (Hartford Hospital), Hanna Munson (CT Health Policy Project), Lori Reed-Fourquet (eHealthSign), Edmund Tierney (ContinuaCare,LLC), Minakshi Tikoo (UCHC)

### CALL TO ORDER

Dr. Jewel Mullen called the meeting to order at 4:37 PM.

### REVIEW OF MINUTES

Dr. Mullen asked the Board to consider the minutes from March 21, 2011. **MOTION:** Upon a motion made and seconded by Mr. Dan Carmody and Dr. Steven Thornquist, respectively, the Board voted in favor of adopting the minutes from March 21, 2011. **Motion Passed.**

### BOARD BUSINESS REMINDERS/UPDATES

#### 1. Connecticut HITE Strategic and Operational Plan Update

ONC released the Cooperative Agreement funds at the end of March. DPH and HITE-CT are required to fulfill specific requirements as noted in the contingency document that ONC had sent with the notice of grant award. DPH will send out the ONC requirements document prior to the next meeting. With this news, Dan Carmody requested that Financial/ Treasury Report be added to the agenda henceforth.

#### 2. Statement of Financial Interests

Board members must file before May 1<sup>st</sup>. DPH will provide written guidance regarding questions raised by Board members.

#### 3. In-kind Match Commitments

A reminder announcement regarding in-kind match contributions was made. Contributions are not required, but DPH kindly requests that all members speak to Sarju Shah about their abilities to provide match contribution.

### COMMITTEE REPORTS

#### 1. Executive Committee (Tom Agresta)

The Executive Committee met on March 14, 2011. During this meeting, the Committee discussed and approved (1) the Legal and Policy Committee's recommendation for legal counsel; (2) the Consent Policy Committee's recommendation about the current consent model; (3) considered next steps for the Technical Infrastructure Committee; and, (4) will work on developing a contractual framework to operationalize the HITE-CT.

**2. Finance Committee (Dan Carmody)**

The Finance Committee was awaiting the release of the HIE Services RFP. The Committee will reconvene to review the HIE Services RFP and the current draft budget for HITE-CT.

**3. Business and Technical Committee (John Lynch)**

The Business and Technical Committee recommended the Executive Committee review the tasks outlined in the Strategic and Operational Plan so that its assignments are clear. Currently, Business and Technical Committee is exploring developing education strategies for consumers and provider community, its role in legislative activities; and reconvening the Search subcommittee. The Search Committee is composed of John Lynch, Mark Masselli, Angela Mattie and the previous Commissioner.

There was a recommendation to modify the Search Committee. The next steps for this Committee include: (1) Re-examine current CEO Description; (2) develop a recruitment screening criteria; (3) develop a recruitment budget; and (4) request a designee for the Commissioner as well as a DPH staff member. Additionally, HITE-CT through the Search Committee should look at Municipal Employees Health Insurance Program (MEHIP)<sup>1</sup> through the Office of the Comptroller.

The name of the Business and Technical Committee will be changed to Business and Operations Committee to prevent confusion with the Technical Infrastructure Committee.

**4. Legal and Policy Committee (Lisa Boyle)**

The Legal and Policy Committee received seven responses to the Legal Counsel RFP. An Interview subcommittee was created to review the proposals and approve the top three law firms who applied to be interviewed. This subcommittee included Lisa Boyle, Charles Covin, Michelle Wilcox Debarge, and Phyllis Hyman, and was staffed by Marianne Horn. Additionally, the Committee prioritized the top four activities that the law firm must handle, which includes: (1) Address the establishment of the quasi-public; (2) develop contract(s) with the selected IT vendor(s); (3) create DURSA and Business Agreements; and (4) develop a policies package, which includes but not limited to, policies for the affinity domain, risk assessment, audit and enforcement.

It was then mentioned that the HITE-CT did not have Directors and Officers Insurance (D+O) and the Legal and Policy recommended that HITE-CT would look into it. **MOTION:** Angela Mattie moved HITE-CT to authorize, empower, investigate and secure D+O insurance. The motion was seconded by John Lynch. **Motion Passed.**

**MOTION:** Brenda Kelly moved to approve the aforementioned priorities for the Legal Counsel. Agresta seconded. **Motion Passed.**

**5. Consent Committee (Tom Agresta)**

The Consent Committee was convened in mid-April to revisit the HITE-CT consent model. The Committee consisted of Tom Agresta, Ellen Andrews, Lisa Boyle, Peter Courtway, Brenda Kelley, John Lynch and Dan Carmody and was staffed by Marianne Horn and Sarju Shah.

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<sup>1</sup> "MEHIP attempts to reduce premiums for enrolled small businesses by allowing the state to pass on savings gained through administrative efficiency. These savings are possible, in part, because the marketing and billing structure for the program already exists, and MEHIP does not use expensive advertising. Groups under 50 lives may also receive premium savings since rates are based on average age and not age-banded."

Tom Agresta expressed that the terms “opt-in” and “opt-out” had a different meaning to the committee members. Members did agree that information flow into the HIE is allowable; however the differentiation was consent for retrieval of the patient information. A second major area of discussion was developing an education campaign. The Committee members recommended adopting the current Consent model with the following recommendations:

1. Change language around consent and move away from utilizing “opt-in” and “opt-out” language to more defined language of authorization, attestation, etc.
2. Develop a process by which we explore retrieval of information that informs patients that their information is being retrieved from the HIE and give them a right to “opt-out”.
3. Endorse and encourage the development of a robust educational plan and a team to be put in place to ensure that all stakeholders are informed.
4. Develop a strong framework for privacy, security and access that includes the workflow, audit trail, and access policies.
5. Develop a consumer’s Bill of Rights explaining what data will be in the exchange, where it will be located, and what it would be used for (include everything from consent, to whom can access be given and what are the consumer’s rights). This should be something standardized by HITE-CT to be given to patients as part of the HIE Agreement.

The Consent Committee vote was originally four in favor, one opposed. However, Brenda Kelly subsequently changed her vote from yes to an abstention until an approved Consumer Bill of Rights is adopted.

**MOTION:** John Lynch with a second from Steve Casey moved to accept the Consent Committee’s recommendation. **Motion Passed.**

**Discussion:** Ellen Andrews provided additional material on the “opt-in” model. Brenda Kelley wanted to make sure that the consumer was empowered in the most appropriate way and stated that the Board needs to move forward very quickly on developing an entire privacy framework. She commended the work that Ellen has done in this area.

A Roll Call Vote was called on the pending Motion.

Jewel Mullen	- Yes	Angela Mattie	- Yes
Mark Heuschkel	- Yes	Steven Thornquist	- Yes
Steve Casey	- Yes	Ellen Andrews	- No
Tom Agresta	- Yes	Brenda Kelley	- Abstain
Dan Carmody	- Yes	Mark Masselli	- Yes
Lisa Boyle	- Yes	John Lynch	- Yes
Kevin Carr	- No	Peter Courtway	- Yes

**MOTION:** Mark Masselli moved to have Dr. Agresta communicate with the legislators the Board’s position on patient consent. This was seconded by John Lynch. **Motion Passed.**

#### **6. Technical Infrastructure Committee (Peter Courtway)**

Announced that the RFP was approved by DPH, the Governor’s Office and ONC and it is now listed on the state’s website. The Committee believes that there will be approximately 20 vendors who may apply. The Committee is not working on developing a framework to review the RFP responses. Each Committee Chair will be a part of the Review Committee.

## **PUBLIC COMMENT**

Doug Arnold – Provided an overview of the Direct Boot Camp. Board members kindly requested information about the boot camp to be sent to them.

## **EXECUTIVE SESSION**

**MOTION:** Dan Carmody moved to add an Executive Session to the Agenda. This was seconded by Peter Courtway. **Motion Passed.**

**MOTION:** Dan Carmody moved that the Board go into Executive Session. This was seconded by Steven Thornquist. **Motion Passed.**

## **EXECUTIVE SESSION CONCLUSION**

**MOTION:** Angela Mattie motioned that the responsibility for oversight and management of external legal counsel will reside with the Legal and Policy Committee until a CEO is selected and in place. This was seconded by John Lynch. **Motion Passed.**

**MOTION:** Lisa Boyle recommended that HITE-CT engage the law firms of Shipman and Goodwin and Updike, Kelly and Spellacy to serve as counsel to the HITE-CT; and the Legal and Policy committee is empowered to enter into engagement on the terms substantially negotiated. John Lynch seconded. **Motion Passed.**

## **ADJOURNMENT**

Upon a motion made and seconded by Dan Carmody and Mark Masselli, respectively, the Board meeting adjourned at 6:40 PM