

## Health Information Technology Exchange of Connecticut

Board of Directors Meeting Minutes

Monday, May 16, 2011

4:30 PM – 6:30 PM

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

**COMMITTEE MEMBERS ABSENT:** Lt. Governor Nancy Wyman, Lisa Boyle, Esq., John Gadea, Angela Mattie, JD

**STATE AGENCY REPRESENTATIVES:** Meg Hooper (DPH), Marianne Horn (DPH), Sarju Shah (DPH), Kate Winkeler (DPH)

**PUBLIC REPRESENTATIVES:** John Brady (CHA), Bruce Chudwick (Shipman & Goodwin) Scott Cleary (eHealthCT), Erin Cornell (UCHC), Scott Murphy (Shipman & Goodwin), Marcia Petrillo (Qualidigm), Edmund Tierney (ContinuaCare,LLC), Minakshi Tikoo (UCHC)

### CALL TO ORDER

Dr. Jewel Mullen called the meeting to order at 4:35 PM.

### REVIEW OF MINUTES

Dr. Mullen asked the Board to review the minutes from April 18, 2011. **MOTION:** Upon a motion made and seconded by John Lynch and Steve Casey, respectively, the Board voted in favor of adopting the minutes, as presented, from April 18, 2011. **Motion Passed.**

### BOARD BUSINESS REMINDERS/UPDATES

1. Connecticut HITE Strategic and Operational Plan Update

DPH electronically distributed the implementation requirements by ONC for the Cooperative Agreement to Board members. Connecticut received approval not only from the Board but from Commissioner Mullen, Lt. Governor Wyman's Office, as well as ONC for its Strategic and Operational Plan, Financial/ Sustainability Plan, and the RFP that was developed.

Marianne Horn introduced Bruce Chudwick and Scott Murphy of the law firm Shipman & Goodwin who were in attendance. Shipman & Goodwin as well as Updike, Kelly & Spellacy were hired to provide legal counsel to the HITE-CT.

2. Directors & Officers (D&O) Insurance

Marianne Horn informed the Board on her recent discussions with other state quasi-public agencies methods of obtaining D&O Insurance. Attaining this insurance is complicated and cannot be bought "off-the-shelf". It was recommended, by senior leadership of another state quasi-public agency, to utilize a risk assessment consultant with expertise in this area. By utilizing a risk assessment consultant, there will be a cost-savings for the HITE-CT in the short and long-term by purchasing appropriate coverage. The Executive Committee approved engaging the consultant in this process.

**MOTION:** John Lynch moved to authorize the Vice Chair to enter into an agreement with the risk assessment consultant and to prepare the D&O insurance proposals, and secondarily to have the ability to enter into an agreement with the two legal firms. This was seconded by Steve Casey. **Motion Passed.**

3. Ethics Liaison Volunteer Needed

The agenda was reordered to first request an Office of State Ethics liaison. A request to the Board resulted in Steve Casey volunteering as HITE-CT Ethics liaison. All conflict of interest and ethics questions should now be directed to Mr. Casey.

4. Conflict of Interest

A conservative Conflict of Interest policy with FAQs was handed out for review. Discussion followed with requests for clarification on the answers in the FAQs. The document will be revised and sent electronically to the Board members.

**MOTION:** Steve Casey moved to approve the Conflict of Interest document with the discussed revisions. John Lynch seconded. **Motion passed.**

## **FINACIAL/ TREASURY UPDATE**

1. HITE-CT Financial Report

The HITE-CT is set-up as a recognized entity within the State and Federal governments. Currently, the HITE-CT has \$11,500 in the account. An additional \$11,500 will be transferred as part of the current Legal Counsel MOA with the Department of Public Health. To date, the HITE-CT has not expended any funds. The current MOA will be amended to include funds to obtain a risk assessment consultant and D&O insurance.

2. Budget for HITE-CT

DPH provided the Board a draft four-year budget and justification for the HIE Cooperative Agreement, as well as a separate document that details funds for the HITE-CT to support meeting Stage 1 Meaningful Use requirements. The Executive Committee and Finance Committee have reviewed the budget and agree to its reasonability. However, the Finance Committee questioned the following budget line items:

- Software Costs – Considered this line item to be extremely low, which was reaffirmed by the Executive Committee. This major issue with this is that the costs will go up as the services are defined.
- Grant-funding budget - This budget is based on the grant funding and additional funds have not been identified.
- Leveraging/ Cost-sharing – Dan Carmody is working with the Regional Extension Center to consider ways of leveraging resources and sharing costs between the two ONC-funded participants.
- Legal Expenses – The method of paying for legal counsel – per billing hour versus the cost of a retainer. The Finance Committee thought the retainer type system may be the way the Authority should go. Currently, the Legal and Policy Committee has negotiated a price with the two respective legal firms that will work for the first year and can be reconsidered at a later date.
- The salaries for the HITE-CT personnel were based off of similar out-of-state positions and with assistance from Gartner. HITE-CT will be mindful of the salaries of the positions.

The long-form of the budget details the full Cooperative Agreement, including funds for both the Department and the HITE-CT. The State HIT Coordinator is required by the Cooperative Agreement to serve as the overseer and supporter for the REC, the HIE, DPH, and DSS. The three other positions listed will support the administration of the HIE program within the Department and assist in DPH meeting the public health meaningful use requirements by 2013. There were no new hires. Kate Winkeler was introduced to the Board. Kate is providing administrative assistance to DPH staff for its HITE-CT support activities.

## **HITE-CT WORKPLAN WITH COMMITTEE ASSIGNMENTS**

Board members were encouraged to participate on one or more HITE-CT Committees. The By-laws require that each Committee have two Board representatives. The Business and Operations Committee is under development and a request was made for Board members to participate and/or submit names of potential committee members to participate. Committee Chair, John Lynch, identified three workgroups within the Business and Operations Committee:

1. Provider – this workgroup will address workflows with providers meeting meaningful use utilizing Direct NHIN components, lab components, address homecare, VNA, long-term care concerns;
2. Safety and Quality Reporting – this workgroup will start in Year 2 and Year 3 of the project;
3. Public Health – this workgroup will address public health meaningful use requirements and work with DSS and DCP as well as other potential Year 1 tasks.

A list was provided to each Board member with Committee memberships and Board representatives. Members were asked to email John Lynch to participate on one of the Committees or if you would like to recommend additional participants outside of Board members.

## **HITE-CT RFP HIE STATUS UPDATE**

Peter Courtway reported on the status of the RFP Process. To date, 19 bidders submitted a letter of intent. The Technical Infrastructure (Tech) Committee developed a scoring template and is reaching out to Board members and Committees to review the RFP proposals in the next few weeks.

The Tech Committee is soliciting assistance in developing a group to assist with identifying the usability of the products. The commit is currently interviewing people to sit on this workgroup.

There are two phases for the vender review and selection process. The first phase is to narrow the vendors to a short list. This will be done with the Committee Chairs. The short list of vendors will be asked to participate in a demonstration of the usability of their project. As part of the review workgroup, there will a group of physicians and non-physicians to participate in the demonstrations. This group will assist in usability testing and focus on usability gaps. The Tech Committee will also reach out to other states that have selected technology and ask if they are willing to assist Connecticut with vendor selection. The final step is to narrow the short list to the top finalists, with Executive Committee recommended selection for the full Board of Directors vote in June.

## **COMMITTEE REPORTS**

### **1. Executive Committee**

Dr. Agresta reported that the Executive Committee met twice since the last Board meeting to prepare the Treasurer's Report, reviewed the draft budget, and review and approval of the Committee assignments for meeting HITE-CT Authority responsibilities. The Executive Committee moved the Consent Policy to go to the Board and to develop an educational framework, tasked to the Special Population Committee.

### **2. Finance Committee**

Dan Carmody reported that the Committee reviewed the draft budget. The Committee expressed concern regarding the sustainability of the HIE system and began looking at the HIE as an enabler, to identify the drivers and that the metrics need to be identified so that actual cost sharing and the cost savings can be realized.

**3. Business and Operations Committee**

John Lynch noted the three workgroups presented earlier. Additionally the Safety and Quality Reporting workgroup will need providers to participate and will work with the health insurance exchange. The Public Health workgroup will include representatives of DSS and DCP.

**4. Legal and Policy Committee**

On behalf of Lisa Boyle, Marianne Horn reported that the Committee recommended obtaining Directors and Officers insurance. The Committee will pursue options.

**5. Personnel Search Committee (John Lynch on behalf of Mark Masselli)**

On behalf of Mark Masselli, John Lynch reported that the Committee drafted and adopted a CEO description which was submitted to the Executive Committee that recommends Board approval.

The Committee also drafted the Chief Technology Officer (CTO) and the Executive Assistant/Project Manager positions. Board members asked that the CTO position also incorporates security and privacy and change it to a Chief Information Protection Officer.

It was discussed that there is a need for an interim solution and the process of hiring someone or a firm to assist with the HITE-CT as it is being set-up. The process is slightly different from the state; however since this is public monies there needs to be a certain amount of competitive bidding that needs to occur, but it does not need a formal RFP process. The interim position will be publicized, but it does not as extensively as the full-time positions.

**MOTION:** Peter Courtway moved to have the CEO position posted. This was seconded by Steve Casey. Ellen Andrews opposed. **Motion Passed.** John Lynch will work with Ellen Andrews to incorporate public trust into the CEO review process.

**PUBLIC COMMENT**

None

**ADJOURNMENT**

**MOTION:** Dan Carmody moved to adjourn, seconded by Steve Casey. The Board meeting adjourned at 6:30 PM.