

Legal and Policy Committee
December 7, 2010
DRAFT Meeting Minutes

Present: Lisa Boyle, Charles Covin, Jill Kentfield, Marianne Horn, Helen George, Phyllis Hyman, Kenneth Dardick, John Lynch, Mark Laudenberg (via phone), Lori Reed Fourquet (via phone), and Marcia Petrillo

Members of the public: David Williams, AT&T, Sally Hellerman, Joe Longo, June Petillo (via phone)

1. Opening Remarks
2. Review and approval of Minutes from 11/09/10: Ken Dardick, seconded by Marcia Petrillo made a motion to approve the minutes. Motion carried unanimously.
3. Update on Statewide Health Information Exchange Strategic and Operational Planning:
Marianne informed members that there were not a lot of changes to legal and policy section. This Committee will continue to work on Deloitte's suggestions. Once the side by side comparison is shared with Lisa and she will send to committee members.
4. HIPAA Preemption Analysis
Review continues, target date completion end of year.
5. Legal gaps and barriers: Discussion took place regarding legislative proposals. The Committee needs to try to come up with legislation to deal with HITE-CT. Discussion took place regarding other states statutes and proposing an overarching statute vs. changing existing statutes. The Committee agreed to propose something that is overarching. Discussion needs to take place at the Board level as to next steps. Legislative proposal will be completed prior to the next Legal & Policy meeting – January 11th to present at the January 18th meeting.
6. Transition to HITE-CT: Legal issues and next steps Search for CEO active. CEO description will be shared with committee members. Looking for CIO type person.

Next meeting finalizing committee process. Moving from Sub-Committee into a more formalized way of operating with roles of Committee members defined to include duties. A committee membership list that will be put forward to the Commissioner was distributed to members via e-mail. Discussion took place regarding the committee process. It was recommended that members serve at 2 year terms and the Chair of Committee should recommend committee members to the chair of the HITE-CT Board of directors. Changes to the Committee process document include:

- Under #4 – instead of using "resolution" substitute "take action" or "make recommendations" Amend document to "make recommendations" to the board instead of making resolutions.
- Change #1 dismissal – to with or without cause serve at the pleasure of the board of directors, removal from committee needs recommendation of the chair to the board simple majority vote.
- Include the policy on committees into the by-laws.

Discussion took place regarding the RFP for legal services. DPH needs feedback from Committee members. The following suggestions to the RFP document were recommended:

- Don't limit time of performance, have a 1 year contract with renewal option of another year, subject to available funding, no minimum # of hours and ongoing at the will of the Board
- Include information regarding Health Information Technology experience.
- Delete the sentence about charitable contributions in bullet #2 also delete payroll and corporate taxes information
- Bullet #4 request CV's of attorney's working on project.
- Need criteria listed as experience in Health IT.
- Bullet #10 include any regulatory body or core – federal or state investigated agency or regulatory body.
- Notice answers should become part of contract. Engagement letter will incorporate answers.

The revised draft will be circulated via e-mail with feedback needed by Thursday – in order to present at Mondays board meeting.

7. Public Comment: None
8. Next meeting date: January 11, 2011 – Dardick, Boyle adjourned.