

## **HISPC/OHISP: Legal Working Group Meeting August 30, 2006**

*Participants:* Stephanie Jursek, Nancy Gillette, Jim Skidmore, Rick Sites, Socrates Tuch, Debbie Bahnsen, Darrell Ranum, Pete Mihaly, and Jeff Kapp

*Phone:* Susan Scheutzow, Tony Shaffer, Karen Smith, Amy Leopard, Aric Martin, and Todd Guttman

### **WELCOME and INTRODUCTIONS**

Nancy Gillette welcomed the group, and everyone introduced themselves. Nancy thanked everyone for their work product and adapting to the revised worksheet.

### **APPROVAL of AUGUST 16, 2006 MINUTES**

A motion to approve the minutes as written was made. The motion passed unanimously.

### **HISPC UPDATE**

Stephanie Jursek reported to the member representatives that the OMB restriction was still pending. In that regard, she provided background information as to the involvement of the OMB with the HISPC project for the benefit of the new member representatives. She also indicated that if clearance of the OMB restriction did not occur by September 1, it was anticipated that contract modifications would be made, regarding the deliverable dates.

### **REVIEW OF SCENARIOS**

The member representatives reviewed scenarios 9-18 and recommended revisions for the following scenarios:

#### **SCENARIO 9**

Obstacle 3: A technical correction change was noted. Stephanie Jursek indicated she would make that modification

#### **SCENARIO 10**

It was recommended that the technical error in the analysis of obstacles 4, 7 and 8 be changed. Stephanie Jursek advised she would make the corrections.

#### **SCENARIO 12**

An in-depth discussion ensued amongst the member representatives, regarding the applicability of the Medicaid confidentiality restrictions to this scenario. It was determined that a narrative on the confidentiality restrictions was merited, and the treatment of the restrictions within the scenario would be noted as a potential legal barrier. There was also additional discussion supporting the inclusion of an alternative viewpoint on the relevancy of the restrictions. The group ultimately decided to permit both perspectives in the scenario analysis. The subgroup representatives would revise the findings and submit them to Stephanie Jursek by close of business on September 6.

#### **SCENARIO 14**

Stephanie Jursek suggested she would revise the findings to reflect the following revisions:

Procedure 1: The discussion on this procedure would reflect that FMLA may not be pertinent to this scenario and with patient authorization there is no barrier to electronically generating a return to work document.

Procedure 2: This procedure would be noted along with obstacle 2 as unclear.

Procedure 3: The subgroup representatives indicated that this procedure had been addressed in the analysis of Suggested Business Practice 3. Stephanie Jursek would include reference to procedure 3 with the Suggested Business Practice 3 analysis.

#### SCENARIO 15

Analysis of obstacles 2 and 3 will be re-formatted by Stephanie Jursek.

#### SCENARIO 16

Technical errors in reference to HIPAA citations should be corrected.

#### SCENARIO 17

It was agreed that a narrative of the Medicaid confidentiality restrictions would be included in the scenario findings and be treated as a potential legal barrier under the “Other Legal Barriers” column. Jim Skidmore will prepare the analysis on this issue.

#### SCENARIO 18

Rick Sites indicated that the Ohio Department of Health (ODH) has been given authority by statute to collect information on immunization histories for children and lead screening for at risk children. This information can be shared by the ODH as appropriate for furtherance of the goals and purposes of public health. As such, he suggested that the pertinent statutes and regulation citations be included in the findings for this scenario. The group concurred and Socrates Tuch stated that he would revise this scenario to incorporate those citations.

#### NEW BUSINESS

Stephanie Jursek advised that because the analysis of the Variations Working Group findings is completed and with the resultant delay in the drafting of the *Interim Assessment of Variations Report*, the Legal Working Group will not be meeting in September.

She remarked on the success of the topical area meetings. As such, she outlined the dates and times of the remaining topical area meetings and strongly recommended attendance by the member representatives. Rick Sites commented that valuable information had been obtained from the meetings, and he suggested that the member representatives review the minutes from those meetings when posted over the next two weeks on the wiki. Additionally, she informed the group of HPIO’s third annual summit on October 23. It is anticipated that the HIT roadmap for Ohio will be launched at that conference and will be used to seek support from the governor and gubernatorial candidates.

Nancy Gillette commented that in having an interactive role with the Variations Working Group, the Legal Working Group will be asked to review the completed draft of the *Interim Assessment of Variations Report*. Nancy Gillette requested that member representatives volunteer to review the report. Amy Leopard expressed interest in serving on the team. Nancy also suggested to the member representatives to give consideration to governance options for a potential state level RHIO.

#### NEXT MEETING DATE

The next LWG meeting will be held on Wednesday, October 11, 2006 at the HPIO office.

