

## **Legal Working Group Meeting Minutes Wednesday, May 30, 2007**

*Participants:* Nancy Gillette, Rick Sites, Stephanie Jursek, Jim Skidmore, Ayeshia Ellington, Socrates Tuch, Sarah Plake, Karen Smith, Darrell Ranum, Jim Lapczynski, Janice Franke  
*Phone:* Terri-Lynn Smiles, Amy Leopard, Bethany Ricketts, Michele Shuster, Tony Shaffer, Christina Shaynak-Diaz, Pete Mihaly

### **WELCOME & INTRODUCTIONS**

Nancy Gillette welcomed the group and attendees introduced themselves.

### **APPROVAL of JANUARY 31, 2007 MINUTES**

A motion to approve the January 31, 2007 minutes as written was made. The motion passed unanimously.

### **HISPC/OHHIT UPDATE**

Stephanie Jursek reported that all HISPC deliverables including the final assessment of variations and solutions report and the final implementation report were submitted to RTI. Some LWG members assisted the SWG-IPWG in developing solutions to behavioral health barriers. Special thanks to: Terri-Lynn Smiles, Nancy Gillette, Christina Shaynak-Diaz, Jim Skidmore, and Jeff Kapp. The HISPC reports can be found on the wiki site and a recording of the AHRQ Webinar, which summarized findings of the HISPC states, can be found at: [www.healthit.ahrq.gov](http://www.healthit.ahrq.gov) (choose Events/Past Events). Some common issues that AHRQ noted include: understanding the scope of HIPAA, patient record accuracy, the minimum necessary standard, patient understanding of the ramifications of consent for electronic exchange of health information, and Medicaid confidentiality restrictions. Solutions included clarification of Medicaid data disclosure by HHS, standardized Business Associate Agreement, and development of a uniform consent form.

AHRQ announced in April that it would like to continue the HISPC project in multiple phases. Phase 2 would include the development of a 6 month proposal to operationalize a portion of the state implementation plan. Implementation of this project would take place in Phase 3. Funding for Phase 3 will vary from \$75,000 to \$200,000. To receive more than the \$75,000 minimum additional contingencies outlined by RTI must be met. Two key contingencies are: collaboration with other states and engagement of consumers. Other contingencies include the ability of other states to duplicate the project and tying the project into other HHS initiatives.

Socrates Tuch and Nancy Gillette reported that the HISPC Steering Committee held a retreat in April which focused on the development of a state-level organization to be called the Ohio Health Information Partnership (OHIP). Steering Committee members identified several projects that OHIP could work on including authentication, patient record locator, model consent, best practices for role based access, and development of a statewide portal. Members also discussed the need to bring consumers into the process. The HISPC Steering Committee will become the Advisory Board for OHIP and may include additional members not already on the roster. The governance structure of the state-level organization is not a priority as of now.

An Executive Order was drafted by Bill Hayes and submitted to the Governor's Office. The Governor is receptive and interested in moving forward. Bruce Hotte, with ODH, has been named as a liaison to the HIT effort. HPIO has held meetings with Ohio RHIOs and state health plans to get their feedback on HIE in Ohio. RHIOs did not have an interest in the state organization being a service provider, but instead a convener and policy advocate. Health plans are also interested in a portal that will allow them to connect to all RHIOs.

Ohio has submitted 3 separate applications of the FCC Rural Connectivity Grant. This grant will help to fund infrastructure development in rural areas. A House Committee hearing on HIT and Health Access and Affordability will be held on Thursday, May 31.

Nancy Gillette will attend a National Governor's Association meeting to discuss barriers including consent and authorization.

#### DEVELOPMENT of NEW SUBGROUP

The Consent subgroup will be formed to look at how we resolve consent issues around exchange of health information. Members will develop a model consent form that people can adopt in Ohio. Terri-Lynn Smiles and Nancy Gillette will co-chair the subgroup. The first meeting will be held on July 11 at 10am with a draft due by September or October. Members interested can e-mail Stephanie Jursek at [sjursek@hpio.net](mailto:sjursek@hpio.net). Develop legislation that will support legislation of the form and legislation around RHIOs.

#### NEXT MEETING DATE

The LWG consent subgroup will meet on July 11, 2007.