



POLICY ADVISORY COMMITTEE MEETING MINUTES

Tuesday, March 22, 2011

8:00 – 9:00 a.m.

Teleconference

12 COMMITTEE MEMBERS PRESENT

Matthew Stanford (Chair)

Daniel Barr

Claudia Egan

Jerry Halverson, MD

Catherine Hansen

John Hartman, MD

Norma Lang

Michelle Leiker

Kathy Johnson

Craig Samitt

Peg Schmidt

Denise Webb

3 MEMBERS ABSENT

Julie Bartels (Vice Chair)

Jared Adair

Kelly Wilson

2 STAFF PRESENT

Joe Kachelski

Kim Drone

CALL TO ORDER

Policy Advisory Committee Chair Matthew Stanford called the meeting to order at 8:05 a.m.

OVERVIEW OF WISHIN

Mr. Kachelski provided an overview of WISHIN.

WISHIN is a not-for-profit corporation, and was founded by four organizations -- Wisconsin Collaborative for Healthcare Quality, Wisconsin Health Information Organization, Wisconsin Medical Society, and Wisconsin Hospital Association. WISHIN's purpose is to facilitate meaningful use of electronic health care records, improve population health, and facilitate reporting of health care performance.

A grant of \$9.4 million was provided to the state of Wisconsin to create a system of statewide health information exchange. The WIRED for Health Board issued a request for applications to serve as the state-designated entity (SDE). After receiving WISHIN's application in August, the WIRED Board endorsed WISHIN as the SDE.

ONC approved a revised strategic and operational plan (SOP) in December. DHS and WISHIN executed a contract for WISHIN to become the SDE on December 30, 2010, and to receive approximately \$8 million of the remaining grant funds.

Mr. Kachelski presented an overview of WISHIN's milestones for 2011. A governing structure and process has been established. WISHIN must document HIE "white space" and take steps to reduce it by December 31, 2011. Communications and education programs will be established and technical assistance and infrastructure for secure messaging will be provided. A legal and policy framework will be established and procurement specifications for Phase 2 will be developed. A Health Information Service Provider (HISP) is being planned to allow secure messaging using the Direct system.

REVIEW OF WIRED FOR HEALTH LEGAL AND POLICY COMMITTEE WORK

Mr. Stanford provided an overview of the WIRED for Health Legal and Policy Committee accomplishments in 2010 and future goals:

The Policy Advisory Committee's focus for 2011 will be on the patient consent management model, privacy and security legislation, HIE-related liability, data use agreements, and permissible data use. WISHIN will need to focus on removing interstate and intrastate barriers, interoperability, and the enforcement of standards.

The Policy Advisory Committee will develop a detailed workplan aligned with meaningful use rules and a patient consent management model. Interstate exchange will be facilitated and reported to DHS periodically.

In 2010, the WIRED for Health Board's main focus was working on a consent policy. Key differences were identified between state and federal laws governing the disclosure of health information. Appendix 19 in the SOP was used as a starting point for reviewing and discussing various privacy and security issues relating to HIE.

Appendix 18 of the SOP was developed from a white paper from ONC regarding consumer consent. The committee provided an analysis of options, pros and cons relating to consent policy and HIE. Appendix 21, the consent policy options matrix, was the most important document created by the Legal and Policy Committee. It set forth the options relating to disclosure and consent for HIE from the HIPAA position of now requiring consent for treatment, payment and operations.

The sub-committee discussed an opt-out option for a centrally managed consent model. WISHIN would check an opt-out database to see if information could be sent after receiving a request for patient information. A sub-committee convened to identify the steps necessary to implement the opt-out policy. There was a concern it creates new HIE barriers and complexity for the provider and consumer.

The committee members agreed to no longer pursue the implementation of the centrally managed opt-out consent model. Instead they would work to eliminate barriers by pursuing legislation aligning Wisconsin and HIPAA's laws regarding the disclosure of health information for purposes of health treatment, payment, and operations.

Mr. Stanford said the first step the Policy Advisory Committee must take is deciding to discontinue the opt-out policy and instead pursue aligning Wisconsin laws with HIPAA. The Committee will need to discuss legislation and receive input from the Board and stakeholders.

Ms. Webb stated there is still a problem with the AODA-related information. In the SOP, it was stated that would be filtered out and not sent through the health information network. Mr. Stanford indicated that WISHIN should plan to adopt Indiana's policies regarding state specific privacy laws, the Indiana network relies on HIPAA and federal AODA laws.

Mr. Stanford said the next step is to agree to pursue legislation that would harmonize Wisconsin and HIPAA laws regarding the disclosure of health information for treatment, payment, and healthcare operation purposes. Mr. Stanford asked for a formal recommendation for an approval of the Board.

Mr. Kachelski stated that the HIPAA harmonization approach is not exclusively an HIE-enabling bill. This could lay the foundation for Wisconsin HIE, but has broad application to all types of health care information sharing. Stakeholders other than WISHIN would likely endorse the legislation and could help it advance through the Legislature.

Dr. Samitt asked how would WISHIN pursue the legislation, but not take the lead. Ms. Webb replied the strategy is to develop a collaboration of interested organizations such as hospital systems, physician groups, and EHR vendors.

Members of the committee agreed that now is an ideal time for this change in the Legislature. Providers have been waiting for this to improve quality and efficiency.

It was moved and seconded to recommend Board approval of the HIPAA harmonization approach, which includes WISHIN taking the coordinating and convening role to pursue legislation. Motion carried unanimously. (Ms. Webb and Ms. Johnson abstained)

NEXT STEPS FOR THE POLICY COMMITTEE

Ms. Bartels and Mr. Stanford will meet to establish a work plan for the Policy Committee and provide an update at the next meeting.

Ms. Webb requested the committee review the President's Council of Advisors on Science and Technology (PCAST) report, as it has changed the direction of Stage 2 meaningful use.