

EXECUTIVE SUMMARY

2011 will be a challenging year for WISHIN, as it simultaneously works to rapidly facilitate the use of the Direct Project as an initial, simplified version of health information exchange by Fall 2011 (Phase I operations) and also works to make plans for implementing and operating more robust health information exchange capabilities in 2012 (Phase II operations). Similarly, 2011 will be a challenging year for the Policy Committee as it helps to guide WISHIN through these dual implementations.

To help organize the Policy Committee's work, the attached Detailed 2011 Work Plan for the Policy Committee sets out specific, discrete tasks as well as more generalized ongoing tasks for the Committee for both Phase I operations and Phase II operations. Given the significant amount of work that needs to take place, the Work Plan proposes the use of several Workgroups working concurrently, each of which has specific tasks and outputs to the full Policy Committee. It is expected that each of the Workgroups will share the results of their work and receive feedback from Committee members and other Workgroups during full Committee meetings. Some of the Workgroups will be shared with the Technical Committee.

The proposed Workgroups and their goals are provided below:

Phase I Operations

Direct Project Rapid Implementation Cross-Collaboration Workgroup (shared with Technical Committee) - This Workgroup's primary goal is to quickly identify and serve as a resource to help resolve critical issues necessary for WISHIN to meet its goal of facilitating the use of the Direct Project in Wisconsin by fall 2011.

Phase II Operations

Internal Policy Cross-Collaboration Workgroup (shared with Technical Committee) - This Workgroup's primary goal in Phase II is to leverage its Technical Committee member expertise and Policy Committee member expertise to guide the development of WISHIN's internal privacy, security, operational, and accountability policies.

Liability Issues Workgroup - This Workgroup's primary goal will be to explore liability issues related to HIE and WISHIN's operations from the sometimes competing perspective of providers/participants and WISHIN, and to provide recommendations to WISHIN on how to resolve and reconcile those issues through internal policies, participation agreements, legislation, etc.

Interstate Exchange Workgroup (shared with Technical Committee) - The primary goal of this Workgroup is to explore issues unique to interstate health information exchange by WISHIN and Wisconsin providers, and to provide recommendations to mitigate risks to WISHIN and Wisconsin providers unique to interstate exchange.

Participation Agreement(s) Workgroup - The Workgroup's primary goal is to guide the development of WISHIN's Participation Agreement(s) for Phase II HIE operations.

The Work Plan also proposes a HIPAA Harmonization Legislation Plan (Patient Consent Model) to be carried out primarily by the full Committee. Key parts of that plan include providing input on statutory language, understanding plans to develop a coalition to help advance legislation, identifying the Committee's role as a convener of stakeholders, and recommending next steps to the WISHIN Board.

CORE TASKS FOR THE FULL POLICY COMMITTEE

- Provide support to the WISHIN Board of Directors.
- Use Workgroups working concurrently as the preferred means to meet the Committee's assignments set forth in the Committee's Charter.
- Guide the work of the Workgroups and create additional Workgroups as necessary. Full Committee meetings will serve as a way for each of the Workgroups to share the results of their work and receive feedback from Committee members and other Workgroups.
- The Full Committee will be asked to approve all Workgroup **OUTPUTS** listed below; approval indicates the Full Committee's acceptance of the **OUTPUT** as an **OUTPUT** of the Full Committee.
- Review and update the Committee's and Workgroup's work plans as needed to help ensure the Committee is meeting its assignments set forth in the Committee's Charter.
- Be responsible for coordinating stakeholder input into the Committee's recommendations, including determining when and how stakeholder input should be sought.
- Guide the annual evaluation of WISHIN's policies and legal agreements related to operating a health information exchange network. Primary evaluation work may be conducted through a Workgroup.
- Facilitate the enactment of legislation and/or regulations that promotes broader health information exchange in Wisconsin.
- Identify opportunities to collaboratively work with other advisory committees.

Discrete Tasks and Outputs for the Full Committee

Develop and Execute a Consent Management Plan		
Task A	Recommend to the WISHIN Board that Wisconsin pursue legislation that would harmonize Wisconsin law with HIPAA regarding disclosures of information for purposes of treatment, payment, and operations.	March 22, 2011 (completed)
Task B	Receive the WISHIN Board's approval of the Policy Committee's recommendation.	April 28, 2011 (completed)
Task C	Review and provide input on proposed statutory language to harmonize Wisconsin law with HIPAA regarding disclosures of information for purposes of treatment, payment, and operations.	
Task D	Gain an understanding of plans to develop a coalition of organizations to help pass the legislation, and identify ways that WISHIN and WISHIN Board and Committee members can help advance such legislation. Support from organizations represented on the WISHIN Board and Policy Committee will be key.	
Task E	Determine whether WISHIN should be a key convener of stakeholders to help the coalition of organizations pass the legislation.	
OUTPUT 1	The Policy Committee will provide a summary of its input to the WISHIN Board, and make recommendations to the WISHIN Board on proposed next steps for WISHIN regarding the legislation. Next steps may include recommendations to endorse the legislation, oppose the legislation, endorse the legislation with modifications, join a coalition supporting and/or helping to pass the legislation, or to seek additional stakeholder input prior to making further recommendations.	DUE 6/8/2011

Task F	Carry out the Board approved next steps to assist collaborative efforts to harmonize Wisconsin law with HIPAA regarding disclosures of information for purposes of treatment, payment, and operations.
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Input into WISHIN's Phase I RFP		
OUTPUT 1	Discuss Phase I RFP policy-related items that need to be addressed.	DUE 5/19/2011

Update the Legal and Policy Framework Plans		
Task A	Provide input into revised 2011 Legal and Policy Framework Plan	DUE 9/16/2011
Task B	Provide input into revised 2012 Legal and Policy Framework Plan	DUE 9/28/2012
Task C	Provide input into revised 2013 Legal and Policy Framework Plan	DUE 9/30/2013

PHASE I: RAPID IMPLEMENTATION CROSS-COLLABORATION WORKGROUP (SHARED WITH TECHNICAL COMMITTEE)

Primary Goal & Core Tasks

This workgroup's primary goal is to quickly identify and serve as a resource to help resolve critical issues necessary for WISHIN to meet its goal of facilitating the use of the Direct Project in Wisconsin by fall 2011.

Core Tasks for the Rapid Implementation Cross-Collaboration Workgroup include:

- Be a resource to and advise the Policy Committee and Technical Committee on critical Phase I issues as they arise.
- Serve as a bridge between the Policy Committee and Technical Committee to help coordinate Phase I implementation issues.

Discrete Tasks and Outputs

WISHIN User Participation Agreements		
Task A	Gain an understanding of how Direct works and WISHIN's Phase I plans to facilitate the use of Direct in Wisconsin.	
Task B	Develop a list of critical policy related issues that WISHIN should rapidly resolve as WISHIN finalizes its Phase I plans for implementing Direct and other Phase I services (i.e., What agreements are necessary? Are there liability risks to WISHIN unique to its Phase I plans? Any proprietary information or services issues?).	
Task C	Identify those issues that WISHIN should seek outside assistance/counsel to quickly address.	
OUTPUT 1	Draft a document listing the policy issues identified by the Workgroup and identifies which of those issues the Workgroup recommends that WISHIN seek outside assistance/counsel to address. The Workgroup will draft, review, amend and approve the document and then seek the full Policy and Technical Committees' input/approval of the document.	DUE 6/10/2011

WISHIN HISP Participation Agreements and HISP Qualification Policy		
Task A	Gain an understanding of WISHIN's Phase I plans to Qualify HISPs in Wisconsin.	
Task B	Develop a list of critical policy related issues that WISHIN should rapidly resolve as WISHIN finalizes its Phase I plans to Qualify HISPs in the state.	
Task C	Identify those issues that WISHIN should seek outside assistance/counsel to quickly address.	
OUTPUT 1	Draft a document listing the policy issues identified by the Workgroup and identifies which of those issues the Workgroup recommends that WISHIN seek outside assistance/counsel to address. The Workgroup will draft, review, amend and approve the document and then seek the full Policy and Technical Committees' input/approval of the document.	DUE 6/10/2011

PHASE II: INTERNAL POLICY CROSS-COLLABORATION WORKGROUP (SHARED WITH TECHNICAL COMMITTEE)

Primary Goal & Core Tasks

The Workgroup’s primary goal in Phase II is to leverage its Technical Committee member expertise and Policy Committee member expertise to guide the development of WISHIN’s internal privacy, security, operational, and accountability policies.

It is recommended that this Workgroup be a continuation/evolution of the Phase I Rapid Implementation Cross-Collaboration Workgroup (i.e. have the same members). The Tasks and Outputs listed below would begin upon the completion of the Workgroup’s Phase I Tasks and Outputs.

Core Tasks for the Internal Policy Cross-Collaboration Workgroup include:

- Serve as a bridge between the Policy Committee and Technical Committee to help coordinate Phase I and II implementation issues.
- Review and update WISHIN’s internal policies as needed.

Recommend Internal Policies to be included in Phase II RFP		
Task A	Propose key internal privacy, security, operational, and accountability policies for WISHIN and, as applicable, its contracted agents. The Workgroup is encouraged to borrow from other entities’ internal policies. The proposed do not necessarily need to be specific policy language, but could be a concept that is later articulated in language drafted at a later date by WISHIN staff/counsel.	
Task B	Identify those key policies that WISHIN should incorporate into applicable Phase II Requests for Proposals. The policies do not necessarily need to be specific language for the RFP, but could be a concept that is later articulated in language drafted at a later date by WISHIN staff/counsel.	
OUTPUT 1	Draft a summary of the proposed policies identified by the Workgroup. The summary will specifically identify which policies the Workgroup recommends should be incorporated into the Phase II RFP. The Workgroup will review, amend and approve the summary and then seek the full Policy and Technical Committees’ approval of the written summary.	DUE 7/20/2011
Task C	Approved internal policy recommendations will be forwarded to WISHIN’s staff and counsel, who will draft official internal policies consistent with the recommendations.	
Task D	Review and propose changes to the first drafts of the official internal policies.	
OUTPUT 2	Recommend the official internal policies to the full Committee.	DUE 8/17/2011

PHASE II: LIABILITY ISSUES WORKGROUP

Primary Goal & Core Tasks

This Workgroup's primary goal will be to explore liability issues related to HIE and WISHIN's operations from the sometimes competing perspective of providers/participants and WISHIN, and to provide recommendations to WISHIN on how to resolve and reconcile those issues through internal policies, participation agreements, legislation, etc.

Core Tasks for the Liability Issues Workgroup include:

- Be a resource to and advise the Policy Committee on liability-related issues as issues arise.

Identify Liability Issues and Recommend Solutions		
Task A	Identify liability concerns of providers/participants.	
Task B	Identify liability concerns of WISHIN and its agents.	
OUTPUT 1	Draft a summary of liability concerns identified by the Workgroup. The Workgroup will review, amend and approve the summary and then seek the full Committee's approval of the written summary.	DUE 8/9/2011
Task C	Identify solutions that WISHIN can implement (including pursuing legislation, if recommended) to address providers'/participants' and WISHIN's liability concerns.	
Task D	Identify one or more preferred solutions that will be recommended to the Policy Committee.	
OUTPUT 2	Draft a summary of solutions identified and the Workgroup's preferred solutions. The Workgroup will review, amend and approve the summary and then seek the full Committee's approval of the written summary and recommendations.	DUE 10/18/2011

PHASE II: INTERSTATE EXCHANGE WORKGROUP (SHARED WITH TECHNICAL COMMITTEE)

Primary Goal & Core Tasks

The primary goal of this Workgroup is to explore issues unique to interstate health information exchange by WISHIN and Wisconsin providers, and to provide recommendations to mitigate risks to WISHIN and Wisconsin providers unique to interstate exchange.

Because there are technical issues involved with interstate exchange, this Workgroup will be shared with the Technical Committee and have members from both the Policy Committee and the Technical Committee.

Core Tasks for the Interstate Exchange Workgroup include:

- Discuss, evaluate, provide requested feedback, and make recommendations pertaining to the Upper Midwest – Health Information Exchange Collaborative. Provide OUTPUTS to full Policy Committee as needed.
- Be a resource to and advise the Technical and Policy Committees on interstate exchange-related issues as issues arise.

Identify and Assess Interstate Exchange Issues		
Task A	Generally identify risks (legal or technical) unique to interstate exchange to WISHIN and WI providers/participants that send information to Minnesota, Iowa, Michigan, or Illinois health information exchange networks.	
Task B	Generally identify risks (legal or technical) unique to interstate exchange to WISHIN and WI providers/participants that receive information from Minnesota, Iowa, Michigan, or Illinois health information exchange networks.	
OUTPUT 1	Draft a summary of unique interstate exchange risks identified by the Workgroup. The Workgroup will review, amend and approve the summary and then seek the full Technical and Policy Committees' approval of the written summary.	DUE 8/29/2011
Task C	Provide an assessment as to which (if any) risks could significantly impact WISHIN's ability or willingness to send and receive information to or from Minnesota, Iowa, Michigan, or Illinois health information exchange networks.	
Task D	Provide an assessment as to which (if any) risks could significantly impact providers'/participants' willingness to send and receive through WISHIN information to or from Minnesota, Iowa, Michigan, or Illinois health information exchange networks.	
Task E	Propose recommendations that WISHIN could take to mitigate any of the above risks.	
OUTPUT 2	Draft a summary of the Workgroup's risk assessments and recommendations. The Workgroup will review, amend and approve the summary and then seek the full Technical and Policy Committees' approval of the written summary and recommendations.	DUE 11/7/2011

PHASE II: PARTICIPATION AGREEMENT WORKGROUP

Primary Goal & Core Tasks

The Workgroup's primary goal is to guide the development of WISHIN's Participation Agreement(s) for Phase II HIE operations.

Core Tasks for the Participation Agreement Workgroup include:

- Be a resource to and advise the Policy Committee on issues related to Participation Agreement(s) as issues arise.

Establish Participation Agreements for WISHIN's Phase II Services		
Task A:	Review Appendix 23 of the Strategic and Operational Plan "Legal and Policy Issues List for Data Use Agreements" and prioritize the Workgroup's work by identifying which issues need the most discussion by the Workgroup and committee.	
OUTPUT 1	<p>Create a document containing the following two lists. One list (a "Major Items List") identifies those issues enumerated in Appendix 23 which the Workgroup DOES identify as needing the most discussion by the Workgroup and Committee. The second list (a Minor Items List") identifies those issues enumerated in Appendix 23 which the Workgroup DOES NOT identify as needing the most discussion by the Workgroup and Committee.</p> <p>The Workgroup will be primarily responsible for addressing in OUTPUT 3 the items in the Major Items List, while WISHIN staff and counsel will be primarily responsible for making initial recommendations that will address the items in the Minor Items List. Recommendations by WISHIN staff and counsel on issues on the Minor Items List will be provided to the Workgroup for their input and approval.</p>	DUE 10/11/2011
Task B	Identify key issues/provisions participants will be looking for in a Participation Agreement.	
Task C	Identify key issues/provisions WISHIN should seek to include in a Participation Agreement to protect WISHIN's interests.	
OUTPUT 2	Draft a summary of the key issues/provisions participants will be looking for in a Participation Agreement and the key issues/provisions WISHIN should seek to include in a Participation Agreement. The Workgroup will review, amend and approve the summary and then seek the full Committee's approval of the written summary.	DUE 11/22/2011
Task D	Recommend solutions to the Policy Committee that WISHIN can implement in its Participation Agreement(s) that can address the issues identified above. The solutions do not necessarily need to be specific contractual language, but could be a concept that is later articulated in contractual language drafted at a later date by WISHIN staff/counsel.	
Task E	Identify those recommended solutions that WISHIN should incorporate into applicable Phase II Requests for Proposals. The solutions do not necessarily need to be specific language for the RFP, but could be a concept that is later articulated in language drafted at a later date by WISHIN staff/counsel.	
OUTPUT 3	Draft a summary of recommended solutions identified by the Workgroup. The summary will specifically identify which solutions the Workgroup recommends	DUE

	should be incorporated into the <u>Phase II RFP</u> . The Workgroup will review, amend and approve the summary and then seek the full Committee's approval of the written summary and recommendations.	2/22/2012
Task F	Approved recommendations will be forwarded to WISHIN's staff and counsel, who will draft the Participation Agreement(s) consistent with the recommendations.	
Task G	Review and propose changes to the first drafts of the Participation Agreement(s).	
OUTPUT4	Recommend a/the Participation Agreement(s) to the full Committee.	DUE 6/6/2012