

**MINUTES OF THE FEBRUARY 28, 2012, MEETING
OF THE GOVERNING BOARD OF THE
ILLINOIS HEALTH INFORMATION EXCHANGE AUTHORITY**

The Board of Directors (the “Board”) of the Illinois Health Information Exchange Authority (“Authority”), pursuant to notice duly given, held a meeting at 12:00 p.m. on February 28, 2012, at the Hay Edwards Building in Springfield, IL, with telephone and video conference capability.

<p><u>Appointed Members Present:</u> 1. Mr. David Holland 2. Dr. William Kobler 3. Dr. Nancy Newby 4. Dr. Nicholas Panomitros 5. Dr. Bruce Wellman 6. Dr. Cheryl Whitaker</p>	<p><u>Appointed Members Present by video conference:</u> 1. Dr. Bechara Choucair 2. Mr. Mark Neaman</p>
<p><u>Ex-Officio Members Present:</u> 1. DPH – Mr. David Carvalho 2. HFS – Director Julie Hamos 3. OOG – Mrs. Amy Sagen; Mr. Michael Gelder</p>	<p><u>Ex-Officio Members Present by video conference:</u> 1. DHS – Mrs. Susan Locke</p>
<p><u>OHIT Staff Present:</u> Mark Chudzinski; Connie Christen; Saroni Lasker; Mary McGinnis</p>	<p><u>OHIT Staff Present by video conference :</u> Laura Zaremba; Ian Bertorelli; Diego Estrella; Krysta Heaney; Danny Kopelson; Saro Loucks; Matt Schmidt; Cory Verblen</p>
<p><u>Ex-Officio Members Absent:</u> 1. DOI – Mrs. Colleen Burns</p>	<p><u>Vacancies:</u> Executive Director</p>

Call to Order and Roll Call

Dr. Cheryl Whitaker welcomed the appointed and ex-officio members of the Illinois Health Information Exchange Authority, as well as the members of the general public in attendance. Mr. Chudzinski, Secretary to the Board, confirmed the presence of the Members of the Authority Board noted above. There were no objections from the members of the Authority Board to the participation by telephone or video conference of Mr. Mark Neaman and Dr. Bechara Choucair, who had advised the Secretary in advance of their attendance by electronic means necessitated by business or employment purposes.

Approval of Agenda

There were no proposed revisions to the meeting Agenda, as posted in advance of the meeting in accordance with the Illinois Open Meetings Act.

APPROVED 4/11/12

Approval of Minutes of Prior Meetings

On motion duly made and seconded, the minutes of the Meeting of the Board on January 11, 2012, as well as the minutes of the meetings of the Committee of the Whole on January 10, 11, and 24, 2012, were unanimously approved by the voting members of the Board.

Open Meetings Act Training 2012

Mr. Chudzinski provided a brief update regarding the online Open Meetings Act training for 2012 that all Board members are required to complete.

Committee of the Whole Report

At the Chair's invitation, Mr. Holland reported on the recent discussions among members of the Board, assembled as a Committee of the Whole, and representatives of the emerging regional HIE initiatives ("RHIOs") in Illinois. The meetings were convened on January 10 and 24, and February 15. The initial meetings served as a platform for the RHIOs to voice their present and future concerns for their respective HIE initiatives. The last meeting focused on organizational/structural alternatives for the development of HIE in Illinois. As presented by Mr. Holland, in the "franchise model" the State-level ILHIE would only connect to the RHIOs, and Illinois providers would only connect directly to their closest RHIO. On the other end of the spectrum of alternatives, the "monolithic model" envisions a State-level health information exchange to which all Illinois providers would connect directly, without RHIOs. The current state of HIE development in Illinois is a hybrid in between these two model extremes. A common vision on the roles of the RHIOs and the State-level ILHIE is needed. He is pleased with the progress that has been made, but continued dialogue is needed. Data from the RHIOs has begun to be collected and shared, and the nature of the ILHIE Direct secure messaging service has been examined, with a focus on the potential role for the RHIOs.

Dr. Newby noted that she regarded the meetings as positive. A common vision is needed to foster RHIO sustainability by elimination of duplicative efforts.

Dr. Whitaker noted that the State-level HIE and the RHIOs have different strengths, assets and roles that do not significantly overlap. She therefore has proposed adoption by the Board of Resolution Number 2012-01 for the creation of the Regional Health Information Exchange Workgroup to create a platform for ongoing communication between the RHIOs and the Authority. She also welcomes and supports additional sharing of information between the RHIOs and the Authority.

Chair Report

Dr. Whitaker reported on her participation at the HIMSS annual meeting in Las Vegas, with approximately 37,000 participants. Dr. Whitaker met with representatives of HIEs in deployment in various states and gathered information on their HIE programs. The presentations she attended focused on states' methods, best practices, implementation efforts, and difficulties in building their HIE systems. Dr. Whitaker believes that Illinois has done the necessary preliminary work to

have a successful HIE, specifically in relation to the emerging regional HIEs. The HIMSS meeting also focused attention on the proposed regulations for Stage Two Meaningful Use EHR adoption incentive payments, which were released by ONC during the meeting. The proposed Stage Two rules place increased focus on EHR standards and interoperability. Not only must EMR vendors meet national technical standards, certified EHR will also need to be able to exchange medical images. The proposed Stage Two rules also place increased emphasis on patient engagement to ensure patients' records can be easily accessible to themselves and not just to providers.

Resolution 2012-01 to Create Regional HIE Workgroup

On the Chair's motion, the Board considered Resolution Number 2012-01 for the creation of the ILHIE Regional Health Information Exchange Workgroup, a copy of which had been circulated in advance to the members of the Board. Mr. Chudzinski reported that the Resolution provides in pertinent part for the creation of an ad-hoc committee of the Board to make recommendations to the Board on its policies with respect to the participation in the State-level ILHIE of sub-State health information exchanges. The Work Group's actions and recommendations shall be consistent with and subject to the requirements of the Illinois Health Information Exchange and Technology Act. The membership of the Work Group consists of at least three members, at least one of whom shall be a Director. The Chair of the Work Group shall be Dr. Cheryl Whitaker. The Chair of the Work Group shall enjoy in her discretion the power to select the Work Group's remaining members and to adopt its operating rules and procedures.

Resolution 2012-01 was unanimously adopted by the voting members of the Board.

Dr. Whitaker announced that she wished to appoint Mr. Holland and Dr. Newby to the newly-formed Workgroup, who both expressed their agreement to such service.

Acting Executive Director's Report

Ms. Laura Zaremba, the Authority's Acting Executive Director, reported on the progress of ILHIE and OHIT. Phase One in the implementation of ILHIE is ILHIE Direct secure messaging, which has 143 registered users and is on track to meet the first quarter 2012 goal of 210 registrants. There is a plan in place to reach more providers through the Regional Extension Centers (RECs) that have more than 3,700 affiliated providers who would benefit most from the services provided by ILHIE Direct.

OHIT has identified for its Phase Two ILHIE implementation "alpha partners" the Alliance of Chicago and Northwestern Memorial Hospital, at which the onboarding will begin by the end of March. Central Illinois HIE (CIHIE) had their first technical meeting with ILHIE's technical vendor, InterSystems, in order to ensure that both CIHIE and ILHIE technical structures are interoperable and comply with national standards. The data transfer from the Medicaid system into the ILHIE has also begun, and thus there is a need for Resolution Number 2012-03 in order to protect patient data.

The proposed rule for Stage 2 Meaningful Use was officially published on February 23, 2012. Stage 1 Meaningful Use is to be extended for an additional year, through 2013, to allow

providers more time for meaningful health information exchange. Stage 2 proposes to require patient online access to health information and health information exchange between providers from 2014. The ILHIE must analyze the implications for the timeline of its future services offerings and must address statewide gaps. Comments on the proposed rule will be accepted from March 7 through May 6, with the anticipated publishing of the final rule in the summer of 2012.

The Illinois EHR adoption incentive payments program for Medicare and Medicaid providers is nearing 9,000 eligible professionals in the State of Illinois, with 2,387 registered under Medicaid, 6,368 under Medicare, and 131 registered hospitals. The total Illinois payments have exceeded \$91,000,000.

Illinois has also been awarded a Federal grant of \$600,000 to address the use of health information technology to foster the integration of behavioral health and physical health care. Dia Cirillo has joined the OHIT team to facilitate the Behavioral Health Integration Project (BHIP), and will be holding the first statewide meeting on March 29. BHIP will focus on the present challenges to electronic data exchange of the behavioral health community, and proposes to provide legal resources to develop consent forms, data sharing agreements, and other required documents that the behavioral health community either does not have or does not have the means to procure to enable electronic data exchange. The behavioral health community also faces financial challenges to EHR adoption. BHIP will promote the use of ILHIE Direct as a no-cost alternative to facilitate health information exchange without an EHR. BHIP will also provide technical and operational assistance, offering training, technical assistance, and data exchange pilot project demonstrations.

OHIT is still in search of a new CFO. There is also an Executive Director candidate finalist identified, and is going through the vetting process for potential gubernatorial appointment. There have been no new significant contractual obligations since the January meeting.

Adoption of Rule Making Resolutions

OHIT had prepared for the Board's consideration and circulated in advance to the members of the Board Resolution Number 2012-02, Resolution Number 2012-03 and Resolution Number 2012-04.

Mr. Chudzinski noted that the Illinois General Assembly has delegated to the Authority the power to promulgate rules, adopted in accordance with the provisions of the Illinois Administrative Procedure Act. Resolution 2012-02, named the Internal Rules, initiates the Authority's the rule making process. The Authority is required by the Administrative Procedure Act to adopt and publish certain Internal Rules, aimed at providing the public information regarding the organizational structure of the Authority and contact information to facilitate public interaction with the Authority, including the location of the Authority's books and records and the means by which members of the public will have access to the Authority's public records for inspection and copying. Resolution 2012-02 authorizes the Acting Executive Director of the Authority to proceed with the formal process by which the Internal Rules would be formally published and adopted, with discretionary authority to make such changes in the specific text of

the Internal Rules as are deemed necessary or desirable after today's meeting. Prior to the specific text of the Internal Rules becoming final, it is anticipated that the OHIT staff on behalf of the Authority will solicit and receive comments regarding the proposed rules from the State of Illinois Secretary of State, the State of Illinois Joint Committee on Administrative Rules (a body of the Illinois General Assembly, commonly known as JCAR), interested stakeholders and members of the general public.

Resolution Number 2012-03, named the Agency Data Rules, arises from the ongoing implementation of the Illinois Health Information Exchange. To enable the development of certain ILHIE directories, OHIT will be obtaining certain data from the Illinois Department of Health and Family Services, including data regarding the recipients of Public Aid. The Public Aid Code requires that State agencies receiving such data must adopt rules regarding the protection and use of such data. The proposed Agency Data Rules satisfy this requirement of the Public Aid Code. The Authority and its agents and subcontractors are prohibited from disclosing any information about a recipient or public aid record, except for purposes directly related to the administration of the assistance programs, including those assuring the health and safety of the public aid applicants or recipients. Use of such information for commercial, personal, or political purposes is specifically prohibited. Resolution 2012-03 authorizes the Acting Executive Director of the Authority to proceed with the formal process by which the Agency Data Rules would be formally published and adopted, with discretionary authority to make such changes in the specific text of the Agency Data Rules as are deemed necessary or desirable. Prior to the specific text of the Agency Data Rules becoming final, it is anticipated that the OHIT staff on behalf of the Authority will solicit and receive comments regarding the proposed rules from the Secretary of State, JCAR, interested stakeholders and members of the general public.

Resolution Number 2012-04, named the Registration Rules, also arises from the ongoing implementation of the Illinois Health Information Exchange and the need for the Authority to collect accurate information regarding the providers of health information exchange services in the State of Illinois, including the emerging sub-State HIE initiatives and other service providers such as Health Information Services Providers (HISPs) that facilitate secure messaging using the national Direct protocol, and electronic gateway services providers that facilitate the exchange of e-prescribing pharmaceutical information and the exchange of health information laboratory results.

Pursuant to the Registration Rules, the Authority would collect information from registrants with respect to the following five subject areas: entity structure; security and privacy measures; technical interoperability; service provision; and business operations. An applicant may designate specific information reported as proprietary, for confidential treatment by the Authority in accordance with the provisions of the Illinois Freedom of Information Act. The Acting Executive Director may specify the form and manner of registration, and may with good cause in furtherance of the public interest waive or modify the application of the reporting requirements to specific registrants. The rule will require registrants to submit the reportable information within 90 days of the final text of the rule going into effect.

Resolution 2012-04 authorizes the Acting Executive Director of the Authority to proceed with the formal process by which the Registration Rules would be formally published and adopted,

with discretionary authority to make such changes in the specific text of the Registration Rules as are deemed necessary or desirable. Prior to the specific text of the Registration Rules becoming final, it is anticipated that the OHIT staff on behalf of the Authority will solicit and receive comments regarding the proposed rules from the Secretary of State, JCAR, interested stakeholders and members of the general public.

The motion for the adoption of Resolutions 2012-02, 2012-03, and 2012-04 having been duly made and seconded, the three resolutions were unanimously adopted by the voting members of the Board. The text of each of the Resolutions as adopted is posted on the Authority's website.

ILHIE Data Security & Privacy Committee Report

Dr. Panomitros, chair of the ILHIE Data Security & Privacy Committee, reported that the Committee is now composed of the following 14 individuals:

- Dr. Nicholas Panomitros – Attorney and dentist in private practice; ILHIE Authority Board member
- Jim Anfield – Senior Director Strategic Relationships, Blue Cross Blue Shield of Illinois
- Elissa J. Bassler – CEO, Illinois Public Health Institute; ILHIE Advisory Committee member
- David Carvalho – Deputy Director Policy Planning and Statistics, Illinois Department of Public Health; ILHIE Authority Board ex-officio member
- Jud DeLoss – Attorney in private practice; ILHIE Advisory Committee member
- Dr. Carl Gunter – Director, University of Illinois Strategic Healthcare IT Advanced Research Projects on Security (SHARPS)
- Dave Holland – VP/CIO, Southern Illinois Healthcare; ILHIE Authority Board member
- Ron Isbell – Manager Network Infrastructure Data Security & User Access, Children's Memorial Hospital
- Dr. Edward Mensah – Program Director Public Health Informatics, University of Illinois at Chicago School of Public Health; ILHIE Authority Advisory Committee member
- Pat Merryweather – Executive Director, Illinois Foundation for Quality Healthcare (IFMC-IL); ILHIE Authority Advisory Committee member
- Harry Rhodes – Director Practice Leadership, American Health Information Management Association
- Tiefu Shen – Chief, Division of Epidemiologic Studies, Illinois Department of Public Health
- William Spence – CIO, Roseland Community Hospital
- Mr. Timothy Zoph – Senior Vice President, Administration / CIO, Northwestern Memorial HealthCare

The Committee's inaugural meeting was held on February 28, with over 100 participants, approximately 35 in person and 75 participating via webcast. The majority of the meeting was focused on an overview of the current status of Illinois law with respect to the privacy and security of patient health data. Mrs. Bernadette Broccolo, partner at McDermott Will and Emery and co-chair of the ILHIE Legal Task Force, led the conversation on current Illinois law, the barriers to health information exchange identified by OHIT's Legal Task Force, and proposed recommendations.

The Committee was advised that Illinois law is not harmonized with the Federal law in the subject areas of behavioral health, substance abuse, and genetic testing because it largely pre-dates the emergence of health information exchange, and thus is not well adapted to the practical implementation of health information exchange. The goal for future meetings will be to explore the troubling report that in Illinois law, patients with mental health and developmental disabilities histories will not have their data included in certain local health information exchanges. The exclusion of these patients from the benefits of health information exchanges diminishes the anticipated benefits of HIEs, including the improvement of patient treatment and the lowering of health care costs. It is therefore very significant that the State of Illinois has received a Federal grant to explore the use of health information technology to foster the integration of behavioral health and medical treat. The Committee will be working closely with the Behavioral Health Integration Project (BHIP), to explore potential improvements and amendments to Illinois laws to better integrate behavioral health and medical treatment in the HIE.

The Committee's upcoming events include participation in the first statewide BHIP meeting on March 29, in which the ILHIE Legal Task Force's Behavioral Health and Substance Abuse Workgroups will share their recommendations, and at which the Committee will receive invited testimony. Testimony will also be solicited at the annual meeting of the Illinois chapter of the American Health Information Management Association (ILHIMA) in Bloomington-Normal, IL on May 3.

Regional Extension Center Update

Mr. Roger Holloway, representing the Illinois Health Information Technology Regional Extension Center (ILHITREC), reported that the ONC has confirmed the continuation of ILHITREC's grant for two more years, to February 2014. He updated the Board that ILHITREC's total providers has reach 1,400 registrants, and is looking forward to reaching out to these registrants regarding to the ILHIE Direct Project.

Dr. Fred Rachman, representing the Chicago Health Information Technology Regional Extension Center (CHITREC), also reported that the ONC has confirmed the continuation of CHITREC's grant for two more years, to February 2014. He also is also excited to reach out to CHITREC's provider community to garner interest in ILHIE Direct. Currently, CHITREC has 1,637 providers registered, and is half way towards its goal of assisting its providers to being EHR meaningful users.

Advisory Committee Report

Mr. Bill Odman, co-chair of the ILHIE Advisory Committee, reported that the Advisory Committee had met o February 14. As the representatives of the RHIOs were scheduled to meet with Board members the following day, on February 15, to discuss, among other matters, the relationship and respective roles of the State-level ILHIE and the RHIOs, the Advisory Committee postponed its further discussion of use cases pending further guidance emerging from those discussions. Mr. Odman suggested that ongoing communication will be needed between the Regional HIE Workgroup and the ILHIE Advisory Committee so as to reduce duplicative

efforts in the development and review of use cases and the identification of gaps in the HIE services to be provided in Illinois.

In the ensuing discussion Ms. Zaremba suggested the desirability of broadening the range of the Advisory Committee's agenda topics so that the Board would take advantage of the strategic insights and guidance that the Advisory Committee members not directly engaged in the regional HIE implementation initiatives could provide.

Public Comment

Mr. Glenn Groesch, Director of the SIU School of Medicine Telehealth Networks & Programs in Springfield, commented on behalf of the ILHIE Advisory Committee's Telehealth Workgroup. The Workgroup has been focusing on ways to utilize health information exchange, and is in the process of developing use cases to allow and incorporate new technology to improve health care in rural areas of the State.

In the ensuing discussion, Mr. Carvalho noted the introduction at the Illinois General Assembly of two bills, SB 3197 and HB 5197, in relation to regulation of e-prescribing, with potential implications for HIEs in Illinois. Ms. Zaremba acknowledged that OHIT has commented on the merits of the bills, which would impose restrictions on the ability of health information technology systems to integrate and display to providers information regarding specific drugs being prescribed, including the existence of generic label substitutes. Dr. Whitaker encouraged OHIT to regularly report to the Board on pending Illinois legislation of interest, as well as pertinent Federal developments, such as the proposed rules for the Meaningful Use Stage 2 EHR adoption incentive payments.

Adjournment

The meeting was adjourned at 2:20 p.m.

Minutes submitted by:

Mark Chudzinski, Secretary