

# Interim Governance Committee

## MINUTES

06/17/10

10:00 A.M.

SC BUDGET & CONTROL BOARD, OFFICE  
OF RESEARCH AND STATISTICS

<b>MEETING CALLED BY</b>	Emma Forkner, Director, DHHS
<b>TYPE OF MEETING</b>	Governance
<b>FACILITATOR</b>	Emma Forkner
<b>COMMITTEE MEMBERS OR DESIGNEE PRESENT</b>	Emma Forkner, Director, SC DHHS Bobby Bowers, Director, Office of Research and Statistics Jay Moskowitz, President and CEO, Health Sciences South Carolina Sue Veer, Board Chair, Lakelands Rural Health Network Don Ray, President, SCPhA Myra Wearing Cochran, Consumer Doug Calvert for C. Earl Hunter, Commissioner, DHEC Melanie Matney for Thorton Kirby, President, South Carolina Hospital Association Peter Leventis for Lathran Woodard, CEO, SC Primary Health Care Association Wyman Bowers for Greg Tarasidis, M.D., President, SC Medical Association

### Agenda topics

#### MEETING MINUTES

EMMA FORKNER

<b>DISCUSSION</b>	The minutes from the 5/27/10 meeting were approved as corrected.
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#### GRANT UPDATE

EMMA FORKNER

<b>DISCUSSION</b>	Strategic and Operational Plans under review at ONC. The ONC will not release funds until plans are approved; some planning money has been released. The ONC has added multiple layers (CDC, CMS, ONC) of review, creating a financial issue for the states. Lengthy review time means less overall funds to work with, no more match money than what South Carolina already put up.
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#### LEGAL FRAMEWORK / LEGISLATIVE UPDATE

EMMA FORKNER

<b>DISCUSSION</b>	Budget Proviso 89.120 deals with the laboratory issue and the patient records act consenting process of moving records back and forth. 1. Enables the HIE to transfer so as not to require additional patient consent 2. Defines 'authorized user' to enable lab data to be exchanged via SCHIEx. Extract of legislation. Critical to act within laws and regulations.  Legislative Subcommittee formed to write the permanent legislation.  Chair: Steve Van Camp; Members: Kelly Jolley, Melanie Matney, Deirdra Singleton, Bruce Carter
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<b>DISCUSSION</b>	<ul style="list-style-type: none"> <li>• Business Associate Agreement has been reviewed and comments received. The draft is close to final upon approval. Primary change – indemnification has been removed, the State will not indemnify providers.</li> <li>• The Policy and Procedures document has been circulated to generate comments; few comments received during IGC meeting:             <ul style="list-style-type: none"> <li>○ Add an intro for stand-alone quality value of SCHIEx to providers, patients. Etc</li> <li>○ Listed items relate to different issues – make sub headings more obvious as to content</li> <li>○ Addendum for sample NPP that can be used by any provider or physician</li> </ul> </li> <li>• The P&amp;P Subcommittee will develop a toolkit for small practices and providers, to help them “get ahead of the game” without costing them additional monies. Committee asked that is done early to help providers make educated business decisions.</li> <li>• Other discussions:             <ul style="list-style-type: none"> <li>○ SCHIEx provides auditing process, but meaningful use requires that participant maintains an audit log within their own operation.</li> <li>○ SCHIEx is only accessed for treatment purposes by providers. ORS staff does not have access to the information being exchanged; the ORS only operates and maintains the Exchange.</li> <li>○ Responsibility to notify (Medicaid) patients that by opting out, historical data is blocked forever. Opt out will be forever until/unless you notify provider/SCHIEx in writing you want to opt in.</li> <li>○ Regarding enforcement, there is concern that in the event of a violation the SCHIEx Executive Director has total authority. Issues should come back to Committee; one individual should not make that decision. Same for NHIN connection, a committee decision, not one individual.</li> </ul> </li> </ul>
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<b>DISCUSSION</b>	<p>NHIN exchange is limited to those entities with a federal contract, a grant with a federal agency, or HIE Cooperative Grant Awardees. SCHIEx will pursue application to join NHIN as an HIE Cooperative Grant Awardee; must sign the DURSA and submit <i>SCHIEx Policies and Procedures</i>.</p> <p>If an entity is not one of the three entities listed, membership would require SCHIEx acknowledge that the scope of activities are covered under SC HIE Cooperative Agreement. Then, after signing the DURSA, obtain a notarized application along with a certificate of good standing with SCHIEx from the Governance Committee.</p> <p>Committee must establish a procedure to receive applications and certify SCHIEx participants for NHIN membership; devote a chapter in the Policy and Procedure document.</p> <p>Contacted the HIE state-designated entity in NC to discuss an interstate exchange; not feasible at this time as the NC SDE wanted cash for an exchange.</p> <p>In progress: Working with Palmetto Health to test the exchange; DHEC and the immunization registry; ORS has a grant with the CDC for labs. Implementing those three projects into SCHIEx will meet meaningful use requirements.</p>
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<b>DISCUSSION</b>	<p>Fee schedule will be discussed further at next Operations Subcommittee meeting; fee schedule is <i>critical</i> to sustainability. Schedule has been developed for eligible</p>
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providers and hospitals; currently there is not a fee schedule for other State agencies that may use or contribute to the Exchange. Should explore the feasibility that other groups (Labs, Pharmacies, other health entities) can be charged to 'plug-in' to SCHIEx, thereby contributing to the sustainability model and minimizing the costs to providers.

There is concern among the providers that the fee schedule was developed without concern for the providers. SCHIEx is not about making a profit, but enough to maintain and upgrade the system. The Committee should maintain focus on ways to minimize costs to the providers as the Exchange grows.

Providers and physicians cannot pass (administrative) costs to the patients.

FOIA requests are, and will be, handled by the Budget and Control Board's attorneys.

Program information will go to the ORS until SCHIEx staff can be hired. Contact information will be available through the re-vamped SCHIEx.org website.

SUBCOMMITTEE MEMBERSHIP		
Policy / Privacy	Operations	Technical
Refer to the 2/21/10 meeting minutes for Membership of the Subcommittees.		

FUTURE MEETING DATES: (10:00 A.M.)		
July 15, 2010		
August 19, 2010		