

TO: HITSC members

Here is a message that was sent to LWG members on November 19th

Hello LWG members:

Last Thursday, there was a joint meeting of the LWG and LD 1818 Theme 3 and co-chairs. This meeting was to continue the joint work of those groups that had begun on November 5th. The reasons behind holding joint meetings were: 1) Early on, many LWG members stated that they wanted to have the “policy” issues decided by the LD 1818 group and then deal with the “legal” issues that surround those decisions. From a purely process standpoint, that seemed more efficient than having the LWG meet separately and then report back with “factual” information and additional “policy” questions for the LD 1818 No. 3 PHI group to answer, followed by more LWG meetings, and so on; and 2) Many of the policy issues being addressed by the LD 1818 work group involve governance structures and data protocols for entities that submit, exchange, report or house PHI which some believe to be closely intertwined with the topic of a State-Designated/State-Wide HIE (S-D/S-W HIE) which the LWG group was given to work on.

The meeting began with questions about why the LD 1818 No. 3 Group was involved in the topic of the S-D/S-W HIE. As background, the issue arose because the initial formation of a LWG came from the Office of the State Coordinator (OSC) who ran it past the OSC’s Health Information Technology Steering Committee (HITSC) for acceptance. (Note: the OSC and the HITSC were established by a governor’s Executive Order in 2010.) The LWG is not a standing subcommittee of the HITSC, and different individuals are appointed by the OSC when the LWG is convened based on the subject matter to be addressed. However, the notion of having an advisory committee (HITSC) was included in the OSC State Plan approved by the federal government. And since the LWG was convened by the OSC with acceptance of the HITSC, it is fair that great deference be paid to having the LWG report its work through the HITSC for their review and advice to the OSC, as evidenced in the development and passage of LD 1331 in 2011.

Dev also indicated that he had called you (LWG members) early that morning, and you expressed concern about the LWG process—lack of responsiveness in getting materials to you and lack of time for preparation and not enough notice for meetings. I think that is absolutely fair and I want to apologize and say I take full responsibility for that criticism. That legitimate criticism led to the development of the timeline and the schedule of meetings and agendas which frankly I should have done long ago.

While there is a very tight legislatively mandated schedule, I personally agree with Dev that the LWG should report back the results of all of its work (review of PHI laws and rules, and S-D/S-W HIE) to the HITSC. And even though there are many individuals who are on the LWG, that have been involved with the LD 1818 Work Group, and who are involved on the HITSC, there should be a status report of the LD 1818 work to the HITSC in conjunction with the work of the LWG.