

New York eHealth Collaborative Policy Committee Meeting
November 20, 2023
1:30 p.m. – 3:00 p.m.
Meeting Notes

A meeting of the NYeC Policy Committee was held on November 20, 2023. Present via telephone or videoconference were:

Policy Committee Voting Members

Alan Cohen, JASA
Dr. David Cohen, Maimonides
Dr. Sabina Lim, Mount Sinai Health System
Russell Lusak, Selfhelp Community Services
Taiymoor J. Naqi, Hixny
Dr. Ram Raju, Health Disparities Consultant
Todd Rogow, Healthix
Pat Roohan, MVP Healthcare
Paul Uhrig, Bassett Health

Ex-Officio

Patti Burandt, HealtheLink (BOC Rep)
Deirdre Depew, NYS DOH
Emily Engel, OHIP
Molly Finnerty, OMH
Leilani Prusky, NYSTEC
Chelsea Sack, NYS DOH
Jennifer Unser, NYS DOH
Meg Vijayan, OPWDD
Ken, Wiczerza, NYS DOH

Other

Elizabeth Amato, HealtheConnections
Carmen Barber, OMH
Robert Belfort, Manatt
Marlene Bessette, Rochester RHIO
Alison Bianchi, NYeC
Nicole Casey, NYeC
Jessica Chanese, NYSTEC
Rebecca Coyle, NYeC
Alexander Dworkowitz, Manatt
Nicholas Elcock, NYC DOHMH
Charlie Feldman, NYeC
Jennifer Freeman, OPWDD
Amelia Gelnett, Food Pantries for the Capital District
David Horrocks, NYeC
Donald Juron, NYeC

Astrid Marz, NYeC
Liana Prosonic, HealtheConnections
Samuel Roods, NYeC
Wendy Saunders, Hinman Straub
Cindy Sutliff, NYeC

The meeting was called to order by Dr. Cohen at 1:30 p.m.

I. Welcome and Introductions

Dr. Cohen welcomed the Committee members and outlined the meeting agenda. The Committee voted to approve the prior meeting's minutes.

II. Federal and State Update

Mr. Roods explained that the federal Office of the National Coordinator for Health Information Technology (ONC) had recently proposed a rule for disincentives imposed on health care providers for engaging in information blocking. He said comments were due January 2.

Mr. Roods said that two more organizations had applied to become Qualified Health Information Networks (QHIN) under the Trusted Exchange Framework and Common Agreement (TEFCA), including Surescripts and a QHIN stood up by the Michigan Health Information Network. He also noted that the Sequoia Project is developing version 2.0 of the TEFCA Common Agreement.

III. DOH Update

Ms. Depew said that the proposed reform to the SHIN-NY regulation was not presented at the recent Public Health and Health Planning Council (PHHPC) meeting, and that the next PHHPC meeting would take place on January 25. She said DOH is looking at other options to move the regulation forward.

IV. 1115 Waiver Update

Ms. Engel said that the state is very close to getting the 1115 waiver approved, and that there could be an announcement within a couple of weeks.

Ms. Engel said there could be up to 13 awards for Social Care Networks (SCNs) under the waiver, assuming the state makes separate awards for each of the five boroughs. She noted that once the waiver is approved there will be a blackout period when DOH issues a Request for Applications (RFA) for the SCNs.

V. CBO Access Policy

Mr. Dworkowitz outlined the proposed changes to the SHIN-NY Policies related to access to data by community-based organizations (CBOs) that are not subject to HIPAA. He explained that under the current policy, such CBOs are prohibited from being given log-on access to a QE, but under the proposal CBOs would be allowed log-in access so long as the QE ensured that only the minimum necessary data was provided to the CBO.

Mr. Uhrig noted that HIPAA's minimum necessary rule did not apply in cases where disclosure occurred based on an authorization. Ms. Sutliff responded that the non-covered CBOs do not need an extensive set of data, which differs from treating providers.

Mr. Lusak noted that QEs impose training requirements on CBOs, which can be a burden. Mr. Rogow said this training required by Healthix simply follows state policy and is a HIPAA requirement.

Ms. Finnerty asked if the new policy would change the method for accessing the data but would not change the data available to CBOs. Ms. Sutliff confirmed this would be the case. Ms. Finnerty referred to a recent article in the New York Times that highlighted how homeless shelters were unable to obtain the data they needed to provide services, saying this lack of information was an important issue to address. Ms. Sutliff agreed, saying it is important to strike a balance and at the same time ensure that the data needed is available.

Mr. Naqi asked if QEs would still be able to transmit data to CBOs with the policy change. Ms. Sutliff confirmed this would be the case.

Dr. Cohen moved to accept the policy change. Hearing no objections or abstentions, the policy change was approved.

VI. Technical Changes Related to the Form of Statewide Consent

Dr. Cohen explained the proposal to enact several technical changes to the policies that would recognize the statewide consent form and remove references to the "all-in consent." Mr. Dworkowitz described the proposed changes.

Mr. Rogow noted hospitals needed the flexibility to use their own version of consent forms. Mr. Dworkowitz responded that the provision related to that flexibility, Section 1.3.5(c), was not being substantively changed.

Mr. Lusak asked how organizations would know whether an individual decided to opt out. Ms. Sutliff answered that a centralized consent management system is being developed which would manage consent values across the state.

Dr. Cohen asked for a motion to approve the changes. Hearing no objections or abstentions, the policy change was approved.

VII. 2023 Accomplishments

Ms. Sutliff reviewed the Committee’s accomplishments during 2023, highlighting the approval of the statewide form of consent. She noted areas that the Committee may need to address in 2024, including changes related to the new regulation and participant agreements.

Ms. Sutliff asked for input on potential areas of focus for 2024. Mr. Rogow said the Fire Department EMS expressed concern about their ability to access data through the break-the-glass function. Ms. Sutliff noted that this concern had already been addressed by the Committee and could be found in the SHIN-NY Policies and Procedures § 1.2.4.

Mr. Lusak expressed concern related to the 1115 waiver and the potential for duplicate data related to CBOs. Mr. Rogow suggested the Committee re-examine the training requirements to perhaps streamline requirements to reduce burden on participants. Mr. Lusak agreed.

Ms. Sutliff thanked the Committee members for their input.

VIII. Member Transition and Closing

Dr. Cohen recognized Chuck Bell, Alan Cohen, and Taiymoor Naqi for their service on the Committee. He welcomed Elizabeth Amato and Natasha Pernicka, who would be joining the Committee in 2024. Ms. Sutliff echoed Dr. Cohen, thanking the exiting Committee members and welcoming the new members.

Dr. Cohen thanked the Committee members and adjourned the meeting.