

New York eHealth Collaborative Policy Committee Meeting
April 17, 2024
2:00 p.m. – 3:00 p.m.
Meeting Notes

A meeting of the NYeC Policy Committee was held on April 17, 2024. Present via telephone or videoconference were:

Policy Committee Voting Members:

Dr. David Cohen, Maimonides Health Center (Chair)
Elizabeth Amato, HealthConnections
Kate Beck, Healthfirst
David Finkelstein, RiverSpring Living
Dr. Sabina Lim, MD, Mount Sinai Health System
Russell Lusak, Selfhelp Community Services
Natasha Pernicka, Food Pantries for the Capital District
Paul Pettit, Orleans County Health Department
Dr. Ram Raju, Health Disparities Consultant
Todd Rogow, Healthix
Paul Uhrig, Bassett Health

Ex-Officio Members:

Jillian Annunziata, OHIP (Medicaid)
Carmen Barber, OMH
Patti Burandt, HealthLink (BOC Representative)
Gladys Crawford, NYS DOH OQPS
Samantha Delia, OASAS
Deirdre Depew, NYS DOH OQPS
Geraldine Johnson, NYS DOH (Public Health)
Puja Khare, GNYHA
Jim Kirkwood, NYS DOH OQPS
Karen Lipson, Leading Age NY
Tavia Rauch, MVP Healthcare
Chelsea Sack, NYS DOH OQPS
Jennifer Unser, NYS DOH OQPS
Meg Vijayan, Esq., OPWDD
Rinzin Wangmo, NYCDOHMH
Ken Wiczerza, Esq., NYS DOH OQPS

Other:

Marlene Bessette, Rochester RHIO
Alison Bianchi, NYeC
Nicole Casey, NYeC
Rebecca Coyle, NYeC

Vivienne Destefano, Healthix
Alexander Dworkowitz, Manatt
Charlie Feldman, NYeC
David Horrocks, NYeC
Don Juron, NYeC
Astrid Marz, NYeC
Alison Mitchell, OASAS
Dan Porreca, HealtheLink
Liana Prosonic, HealtheConnections
Leilani Prusky, NYSTEC
Sam Roods, NYeC
Elisa Sacco, NYSTEC
Wendy Saunders, Hinman Straub
Nance Shatzkin, Bronx RHIO
Cindy Sutliff, NYeC

The meeting was called to order by Dr. Cohen at 2:00 p.m.

I. Welcome and Introductions

Dr. Cohen welcomed the Committee members. The Committee approved the minutes from the March 2024 meeting.

Dr. Cohen noted that the proposed discussion on utilization review policies had been removed from the agenda. He explained that the Office of Mental Health had recommended that the Department of Financial Services, which regulates utilization review practices in New York, should review the proposed language. He said the item would be added back to the agenda for a later meeting.

II. Federal and State Update

Mr. Roods noted that the proposed modification to the HIPAA privacy rule had cleared the Office of Management and Budget, and the Committee should expect it to appear in the Federal Register soon. Mr. Roods added that documents related to TEFCA version 2.0 were expected to be released in upcoming weeks.

Ms. Sutliff described NYeC's comment letter to DOH regarding the revised SHIN-NY regulation. She outlined the benefits of the proposed regulatory change, and she noted that the letter supported DOH's vision of better supporting the state's public health needs. Ms. Sutliff noted that one of the provisions of the regulation – the use of a statewide consent form – emerged out of the Policy Committee's work.

Mr. Roods described recommended clarifications to the language submitted by NYeC, including a definition of public health surveillance and clarifying requirements of waivers to connect to a

QE. Mr. Horrocks noted that some stakeholders were concerned that the aggregation of statewide data could make it easier for such data to be used for health oversight activities, and that the comments aim to clarify that such health oversight activity will not occur unless stakeholders intend for it to happen. He added that the comments were also intended to ensure that organizations can make use of national networks when they can.

III. DOH Update

Ms. Depew said the public comment period on the SHIN-NY regulation had closed, and that DOH had received a handful of comments that were being reviewed. She said DOH appreciated the helpful comments. Ms. Depew said the regulation may be sent to the New York State Public Health and Health Planning Council (PHHPC) in June.

Ms. Depew explained that the 2023 edits to the SHIN-NY Policies and Procedures were being held until the end of the comment period, and now that the comment period had closed the edits would be moving forward within DOH for final review and approval.

IV. Duration of Consent

Mr. Dworkowitz outlined the issues related to consent forms that expire at an individual's death. He described policy options discussed at the prior meeting and the consensus from the prior meeting that the Committee adopt a policy that would permit QEs to continue to rely on an individual's consent until the QE had received notice that the individual had died. Mr. Dworkowitz described several edits made to the proposed policy language that stemmed from the prior discussion.

Dr. Cohen asked if there were any questions or clarifications. Hearing none, he asked for a motion to approve the revised language, which was seconded. Dr. Cohen asked who was in favor of the proposal. Hearing on objections or abstentions, Dr. Cohen said the motion to approve the language had passed.

V. Training Requirements

Dr. Cohen explained that some Committee members had questioned whether SHIN-NY policies related to Participant training should be revised.

Mr. Rogow said that the SHIN-NY is competing with national health information exchanges, and the Committee needs to be aware of additional training be imposed on providers and health plans. He said Healthix has gotten feedback from participants that the staff is already trained on HIPAA and there is no need to reinforce HIPAA training. He said the goal was to make the training requirements more consistent with those imposed by national networks.

Ms. Khare said there was a lot of training fatigue, and that it was important to streamline as much as possible. She said they should only impose training requirements on issues that exist

outside of HIPAA. She added that she has heard that many individuals are simply clicking through training and not absorbing the materials, and more effective learnings occur on the backend when users are informed about when they inappropriately accessed data.

Ms. Burandt responded that HealtheLink has not received much feedback that training is burdensome. She noted the adoption of a statewide consent was an important issue for authorized users to understand. Ms. Amato agreed that HealtheConnections was not receiving many complaints on the issue, but she expressed support for the prior comments on the need to avoid imposing training on HIPAA rules.

Dr. Cohen said they could review the current policies to determine what training is currently covered by HIPAA and come back to the Committee to review. Mr. Rogow suggested they examine the training being required by national networks. Mr. Lusak voiced support for revisions of training requirements, saying the annual training review has become onerous. Ms. Khare offered to provide examples of trainings that hospitals in New York encounter.

VI. Closing

Dr. Cohen thanked the Committee members and adjourned the meeting. He noted that the next meeting was scheduled for May 8, 2024 beginning at 2 pm.

Note: As submitted by Puja Khare, the following are Required Trainings for Doctors that Hospitals Provide:

- Harassment policies
- Annual Laboratory Radiation Training
- Antimicrobial Stewardship
- Conflict of Interest
- Privacy and Security – HIPAA + many subdivisions, e.g., privacy in clinical research
- Domestic Violence
- Federal Grant COI Disclosure Requirements
- Identifying Child Abuse
- Laboratory Safety
- Human Trafficking (NY + NJ laws)
- Opioid Stewardship
- Patient's Rights
- Precleaning Processes for Instruments and Equipment, if applicable
- Safe Handling of Syringes/Needles
- Safety and Emergency Preparedness
- Sepsis Training