

# Kentucky e-Health Network Board

## May 6, 2009

### Minutes

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Meeting No. 31

Capitol Annex – Room 129

3:00 pm – 4:30 pm

#### **Board Members in Attendance:**

Dr. Larry Cook, Co-Chair – University of Louisville  
Dr. Carol Steltenkamp, Co-Chair – University of Kentucky  
Jim Barnhart – Commonwealth Office of Technology  
Betsy Johnson, Commissioner - Kentucky Department of Medicaid Services  
Dr. David Bensema – Kentucky Medical Association  
David Bolt – Physician Practice Managers  
Ron Carson, Proxy for Robert King – Kentucky Council on Postsecondary Education  
Murray Clark – Kentucky Hospital Association  
Rep. Bob DeWeese – House of Representatives  
Senator Julie Denton – Senate  
Dr. William Hacker, Commissioner - Kentucky Department of Public Health  
Janie Miller, Secretary – Cabinet for Health and Family Services  
Bill Nold, Proxy for Sharon Clark - Department of Insurance  
Dr. Kimberly Williams – Kentucky Medical Association

#### **Absent:**

Deborah Clayton – Kentucky Department of Commercialization & Innovation  
Dr. Ford Brewer – Associated Industries of Kentucky  
Bruce Klockars – Kentucky Hospital Association & Rural Hospitals  
Larry Mott – Business with Large Scale e-Strategy & Computer Information Technology  
Senator Katie Stine – Senate President Pro Tem  
Rep. Tommy Thompson – House of Representative

#### **Staff:**

Barbara Baker, Policy Advisor  
Laura Cole, Project Manager  
April Smith, Project Manager  
Donna Venno, Assistant

#### **Welcome and Introductions**

The meeting was called to order by Dr. Larry Cook, Co-Chair. Dr. Carol Steltenkamp reported that she attended the HIMSS (Healthcare Information Systems Society) Conference where the stimulus package was discussed. Dr. William Hacker reported on his visit to Washington to give testimony to the National Committee on Vital and Health Statistics representing state health officers making the plea for electronic medical records to include bidirectional exchange of information between private providers in the public health world and to also make the case for funded EMRs to include the public as well as the private sector in the information exchange. Dr. Kim Williams reported that the Northeast RHIO has signed a letter of intent with HealthBridge to produce their business plan.

#### **Review and Approval of April Board Minutes**

Dr. David Bensema moved to approve the April board minutes; Senator Julie Denton seconded the motion. Motion carried.

## Communications

### Medicaid Transformation Grant Update

Barbara Baker reported on the status of the Medicaid Transformation Grant. The RFP closed mid February and an evaluation team is currently looking at the proposals. It is anticipated to be completed by early summer. The evaluation team consists of individuals from the Cabinet for Health and Family Services, the Lt. Governor's Office, and the Cabinet for Finance and Administration. The RFP evaluation criteria was distributed and discussed with the board members. Barbara explained that there were separate evaluations for the technical proposals and the cost proposals. The next process will include oral presentations and contract negotiations with the top scorer. If you are unable to negotiate a contract with the top scorer, the process allows you to move to the next scorer and attempt to negotiate a contract. Secretary Janie Miller with the Cabinet for Health and Family Services will have a team that will assist her in the negotiation of the contract.

### Council on Postsecondary Education's e-Health Stimulus Sub-Committee

Ron Carson informed the board that in February when the federal stimulus legislation was adopted, senior staff made a recommendation to Council President King to assist in the development of a concept proposal for e-health. The sub-committee's purpose was to position Kentucky for e-health funding opportunities provided under the American Recovery and Reinvestment Act through a coordinated statewide initiative with a focus on near-term results that stimulate the economy and create jobs. The goal was to respond to federal funding opportunities in a collaborative, coordinated and innovative manner. The key result will be the adoption, implementation and meaningful use of qualified electronic health records that promote interoperability and connectivity through a statewide health information exchange.

Gary Ozanich, Ted Kalbfleisch, Carol Ireson and Betty Regan reported on the work that the sub-committee has taken. The following concept proposals were generated:

- Implementing Kentucky Health Information Exchange
- Establishment of HIT Technology Implementation Centers
- Health Care Enterprise Information Integration Research Centers
- Creation of data centers to provide administrative and disaster and recovery support for rural/remote physician EHR systems. To develop broadband capability for transmission of high information content data between medical centers, data centers and rural health clinics.
- Establishment of HIT Regional Data/Extension Centers (Alternative Approach)
- IT Professionals in Healthcare
- Demonstration Programs to Integrate IT into Clinical Education

Two categories for funding opportunities were identified by the sub-committee; agency funding and HI-TECH, Title XIII, under the Stimulus Bill which targeted building out the e-health infrastructure in order to support the adoption of electronic health records, and the meaningful use of qualified electronic health records by physicians and hospitals. The sub-committee was not mandated to recommend specific technological solutions, but rather to identify high-level concepts that offer the opportunity for collaboration between the institutions. The report can be found on the e-health website at <http://ehealth.ky.gov>.

Strengths of funding proposals should emphasize a coordinated effort across the state and will focus on the implementation of the Kentucky Health Information Exchange. These proposals will go to the Governor's Office to determine the state's response. The Cabinet will continue to track the Office of the National Coordinator's progress on the development of the strategic and operations plan. Dr. Steltenkamp suggested that a conference call be scheduled prior to the June Board meeting for board members and other interested parties to discuss specifics to include in the state's proposal.

Discussion continued on the health information exchange framework and the goal of healthier Kentuckians through health information technology. Dr. Bensema stated that the adoption of health information technology by physicians has been slow. Physicians are not interested in what you can research. Physicians want to know if health information technology will help enhance the patient's quality of life and outcomes, and whether it will adversely impact the physician's lifestyle and income.

A final product needs to be identified in a business plan which specifies what's being done for the 4.2 million patients in Kentucky.

### **Ethics Policy Options**

Barbara Baker discussed the bylaws and the comparison summary of the Model Code of Ethics and the Ke-HN Board Bylaws which lines up what is in the statutes versus what is in the bylaws regarding conflicts of interest policies. The statute, in most cases, is far more detailed than what the bylaws of this board are. The following policy options were presented:

- Adopt the Model Code of Ethics as set forth in KRS Chapter 11A in its entirety to apply to board members only.
- Expand the current ethics policy outlined in the board bylaws to include the Model Code of Ethics in its entirety to apply to board members, groups, committees and subcommittees constituted by the board.
- Require board members, groups, committees and subcommittees to file conflicts of interests in addition to the public and written disclosure recorded in the minutes of a formal meeting required in the bylaws under Section 3, Disclosure of Conflicts of Interest.
- Leave Ethics Policy "as is"

The statute permits the board to promulgate administrative regulations, but there is nothing in the statute that allows or permits the establishment of board bylaws. Senator Denton suggested that another option would be to modify the bylaws to include conflicts of interests for all board members, groups, committees and subcommittees. David Bolt recommended that individuals who have conflicts of interest recuse themselves not just from voting but even from discussing the issue. The board should be more vigorous in implementing the bylaws and established operating procedures. Staff is tasked with revising the bylaws to include a conflicts of interest disclosure form for all board members, groups, committees and subcommittees to bring back to the board for approval at its June meeting.

### **Next Board Meeting**

Next meeting of the Board is scheduled for June 3, 2009 from 3:00 – 4:30 PM at the Capitol Annex, Room 129.

Submitted by Donna Veno  
May 18, 2009