

# MINUTES

## Health Information Exchange Legal Work Group Meeting (HIE LWG)

**Meeting Date:** December 4, 2015

**Time:** 10:00 a.m. – 12:00 p.m.

**Location:** Agency for Health Care Administration  
Bldg.2, Conference Room F  
2727 Mahan Drive  
Tallahassee, FL 32308

**Members Present:** Kathy Pilkenton, Chair; Bill Bell, Florida Hospital Association; William P. Dillon, Messer, Caparello; Jarrod Fowler, Florida Medical Association; Diane Gaddis, Community Health Centers Alliance; Mike Hansen, Florida Council for Community Mental Health, Inc.; John Pingale as proxy for Samuel Lewis, Feldman Gale; Kimberly Tendrich, Florida Department of Health; and Wences Troncoso, Florida Association of Health Plans.

**Members Absent:** Diane Godfrey, Florida Hospital; Jan Gorrie, Ballard Partners; Gabriel Hartsell, Galloway, Johnson, Tompkins, Burr & Smith PLC; and Julie Meadows-Keefe, Grossman, Furlow and Bayó.

**Staff Present:** Vance Burns, Heidi Fox, Carrie Gaudio, Michael Hardy, Kevin Marker, Aaron Parsons and Dana Watson.

**Meeting Materials:** Agenda, Minutes of December 12, 2014 meeting, Proposed Changes to Patient Look-Up Agreement; Proposed Changes to Event Notification Service (ENS) Subscription Agreement; Automated Readmissions Addendum

**Copies of meeting materials are posted at:** <http://www.fhin.net/content/committeesAndCouncils/index.shtml>

### **Call to Order, Welcome and Roll Call**

Ms. Kathy Pilkenton called the meeting of the Health Information Exchange Legal Work Group (HIE LWG) to order at 10:00 a.m., welcomed members and guests, and conducted the roll call. A quorum was present.

### **Review and Approval of Minutes**

Ms. Pilkenton asked the committee to review the minutes from the December 12, 2014 meeting. The minutes were approved with no corrections.

### **Patient Look-up Service Agreement Changes**

Ms. Heidi Fox gave a brief overview of the purpose and history in the development of the Florida Health Information Exchange (Florida HIE) subscription agreements. There is a separate agreement for each of the Florida HIE's services. Ms. Fox reported that there are no proposed changes to the Patient Look-Up (PLU) agreement at this time.

### **Proposed Changes to the Event Notification Service (ENS) Agreement**

Ms. Fox reviewed the proposed changes to the ENS agreement. She directed the work group to Attachment A to the ENS Agreement.

The first change is in regards to the delivery of the subscriber's panels. The change specifies that to include a patient in the panel, the participant must have appropriate authorization from the patient, including explicit authorization to access information about certain sensitive conditions. This change makes explicit what was previously an implied requirement.

The only other change is in regards to forwarding alert messages. The change specifies that the health plan participants and accountable care organization participants must make a good faith effort to forward the alert to the appropriate primary care provider.

Work group member Wences Troncoso commented that the health plans in the Florida Health Plan Association have several issues with the ENS Agreement. He first mentioned the uniform contract and noted that each contract needed to be individual with each health plan. Next, Mr. Troncoso discussed the fact that there is currently no third party security verification. Harris offered to do an internal verification; however, the health plans requested that the verification be from a third party in alignment with current industry best practices.

Mr. Troncoso noted the indemnification language in the current Terms and Conditions. He suggests that large health plans would not sign an agreement with indemnification language included.

He also noted that this agreement refers to Accountable Care Organizations (ACO) when there is no such entity in Florida Statutes. Ms. Fox responded that the ACOs participating are fee for service Medicare Shared Savings ACOs. Work group member Jared Fowler from the Florida Medical Association suggested striking the ACO language from the agreement.

Ms. Fox asked the work group members to submit their comments on the proposed changes to the agreement to Vance Burns.

#### **Automated Readmissions Addendum**

Ms. Fox reported that at a hospital's direction, the Event Notification Service can compile that hospital's encounter data into a rolling 30-day panel. This hospital panel can then be used to alert the hospital whenever a patient is seen at another ENS hospital with 30 days of their initial discharge. This service would allow hospitals to easily track readmissions outside of their own hospital system. The service will possibly launch during the first quarter of 2016 and would provide additional revenue for the Florida HIE.

The Workgroup members had many questions about a hospital's right to this information. If the reason for treatment is not for the same problem as the original discharge, it should have no effect on the readmissions rates.

#### **Agency Update**

Ms. Fox reported on the operational status of the Florida HIE services and goals for 2016. She said that operational metrics are posted on the [www.FHIN.net](http://www.FHIN.net) website. The metrics show the number of participants onboarding and in production, the number of transactions, and the number of covered beds as applicable.

Ms. Fox reported that as of December, 2015 there were over 200 hospitals in production capable of providing alerts to 5 health plans and 11 ACOs. ENS currently covers over one million subscribed lives with over 50,000 alerts per month.

She noted that there are currently ten live nodes in PLU representing 426 entities connected to Florida's Health Information Exchange. As of November 10, 2015, there were 202 users in the Direct Messaging service generating close to 5,000 transactions per month.

The Agency has set a goal of having 20 participants in ENS and expanding the number of organizations on PLU by 10% through direct participation or growth of participating nodes. The Florida HIE will continue the Direct Messaging service as an adjunct to other services.

#### **Meeting Summary, Next Steps and Adjourn**

Ms. Fox reviewed the action items for the Agency from the meeting as follows:

1. Work group members will submit their comments on proposed changes to the ENS agreement to Vance Burns on or before January 4, 2016.
2. AHCA attorneys will review Terms and Conditions indemnification language and comment to Vance Burns by January 4, 2016.

**Adjournment:**

There being no further business to discuss, the committee adjourned at 11:40 a.m.

DRAFT