



## NEVADA DEPARTMENT OF HEALTH & HUMAN SERVICES NOTICE OF HEARING TO SOLICIT PUBLIC COMMENTS ON THE STATEWIDE HEALTH INFORMATION EXCHANGE SYSTEM

Pursuant to Sections 439.587 through 439.589 of the *Nevada Revised Statutes* (NRS), the Department of Health & Human Services has begun drafting regulations relating to the Statewide Health Information Exchange System. In the process of developing these regulations, it has come to the Department's attention that there may be provisions in statute that should be updated to better reflect current technology and processes, and that these updates to statute may be advisable before the regulations are finalized.

**Stakeholders and members of the public are invited to provide comment on the Statewide Health Information Exchange System, including Sections 439.581 through 439.595 of the *Nevada Revised Statutes* and the development of related regulations on July 17, 2014, at 8:30 a.m. The hearing will be held at 4150 Technology Way, Room 303, and videoconferenced to 4220 South Maryland Parkway, Suite D Large Conference Room. Members of the public may also participate by teleconference at 1-877-336-1828 (access code 8287730).**

This is not a public workshop on proposed regulations at this time, because we wish to conduct further research and gather public comment regarding how best to proceed with any proposed changes to the statute or future regulations. Depending upon the number of participants wishing to speak, a time limit may be applied. Everyone is encouraged to submit testimony in writing before or during the hearing. Those unable to attend are also invited to submit comments to [ajoiner@dhhs.nv.gov](mailto:ajoiner@dhhs.nv.gov) or 4126 Technology Way, Carson City, NV 89706, Suite 100 (Attention: Amber Joiner). Additional background information and testimony received before the hearing will be added to the website at <http://dhhs.nv.gov/Programs/HIT/>.

This is a public hearing. This notice has been sent to known stakeholders and posted at the Grant Sawyer Building, 555 E. Washington, Las Vegas; the NV Department of Health & Human Services at 4126 Technology Way, Carson City; the Nevada State Library and Archives at 100 Stewart Street, Carson City; and online at <http://dhhs.nv.gov/programs/HIT> and <https://notice.nv.gov/>. Members of the public needing assistance at the hearing may request accommodations by contacting Amber at one of the above addresses, or by calling 775-684-4000.



**MEETING MINUTES**  
**NEVADA DEPARTMENT OF HEALTH AND HUMAN SERVICES**  
**HEARING TO SOLICIT PUBLIC COMMENTS ON THE STATEWIDE**  
**HEALTH INFORMATION EXCHANGE SYSTEM**

Date and Time of Meeting: July 17, 2014  
8:30 a.m.

Place of Meeting: Carson City  
4150 Technology Way, Room 303

Videoconference Location: Las Vegas  
4220 South Maryland Parkway, Suite D  
Large Conference Room

Call in Number: 877-336-1828 Access Code: 8287730

People Present: Amber Joiner, Deputy Director, Department of Health & Human Services (DHHS) (Carson City)  
Saundra Langum, Administrative Assistant, DHHS (Carson City)  
Betsy Aiello, Division of Health Care Financing & Policy (DHCFP), DHHS (Carson City)  
Chris Bosse, Renown Health (Carson City)  
Joan Hall, Nevada Rural Hospital Partners (Carson City)  
Lindsey Harmon, Member of the Public (Telephone)  
Deborah Huber, HealthInsight (Telephone)  
Brian Labus, Southern Nevada Health District (Telephone)  
Erick Maddox, HealthInsight Nevada (Carson City)  
Robin Ochsenschlager, DHCFP, DHHS (Carson City)  
Julia Peek, Division of Public & Behavioral Health, DHHS (Carson City)  
Maurice Washington, Northern Nevada Development Authority (Telephone)

- I. Call to Order** – Amber Joiner, Deputy Director, DHHS  
This hearing is being held as an information-seeking meeting for the Department of Health and Human Services. A July 7, 2014, meeting was held in the same format to

gather information. Handouts and minutes from both meetings will be available on the public website at <http://dhhs.nv.gov/Programs/HIT/>. Over the last few years, while DHHS had the federal grant, we have been through different phases of planning for health information technology (HIE). Now that the federal grant has ended, we have discovered that a lot has changed technologically, organizationally, and within the State relating to HIEs. With all of that new knowledge, when DHHS tried to draft the regulations that were required by Senate Bill 43 in 2011, we realized the draft had some potential issues and that maybe the law actually needs to change to better reflect the reality of today. There is a place holder BDR in for review by the budget office and the Governor's office. This is in the request stage. The goal will be to modernize, update, and improve the law that relates to HIE in the State. The purpose of this hearing is to be open to any comments or suggestions people have about the *Nevada Revised Statutes (NRS)*, about any regulations DHHS may promulgate, or in general about what the future of HIE should look like in the State.

The July 7, 2014 meeting included public comment from Deborah Huber with extensive suggestions for consideration. The handout provided will be available as part of the public record in the meeting minutes for July 7, 2014, on the website.

## **II. Public Comment**

- Joan Hall agreed that there are provisions from SB 43 that are no longer appropriate. She made a suggestion that regulations need to be implemented to make sure that cottage industries do not provide HIE without oversight and regulation. The consent procedure and protecting confidentiality and privacy are important concerns for the public. There needs to be clarification for the public in regulation about what consent means and where the information goes. Joan is aware of other entities that exchange information, and it is unclear whether they are they under HIE or just conducting regular business.
- Maurice Washington asked about the bill draft request and what changes might be proposed. Ms. Joiner clarified that the purpose of these hearings is to help determine the content of any bill request, and it has not yet been determined. From a department perspective over the last several months, the need for some technical changes has become apparent. For example, it appears that the definition of Health Information Exchange in statute may currently be too broad. There are also some technical issues with how the real world technology works that is not compatible with how the NRS is phrased, such as when consent occurs.
- Ms. Hall asked for clarification about whether a new bill would supersede the parts of the NRS from SB 43, and whether the regulations would be extended. Ms. Joiner responded that SB 43 was codified into the NRS (the link to which is provided on the website), so any bill draft request would address those sections

of the NRS. The reason DHHS paused on the regulations is because we received feedback that the regulations may be based on things in statute that are creating technical problems, such as the definition of HIE, so we realized we needed more feedback. If a new bill is not introduced and does not pass, then the current NRS will stand and DHHS will need to move forward with regulations and decide what the regulations will include.

- Erick Maddox asked about the timeline for regulations and any bill draft. A longer time line will be necessary if there are changes to the statutes.
- Betsy Aiello asked about the composition and public process of the board and whether any changes to that are being considered. Amber clarified that if she is referring to the board of the nonprofit NV-HIE, then no, DHHS will not be addressing that, because the board is not in statute. However, the governance of the HIE system is being considered for revision, since the statutes currently require that DHHS appoint a nonprofit to govern the system. DHHS is open to suggestion in this governance area also, as well as the pieces of the consent model, technology issues, and the security framework.
- Ms. Joiner said that she will continue to gather input, and any issues, comments, or concerns may be sent to her by e-mail. Details of the bill draft request are due July 25, 2014 to the budget office, so please forward suggestions prior to July 24, 2014. This is an ongoing process, and during the legislative session there is of course still an opportunity for input.
- Brian Labus made a suggestion that going forward with any changes in statute, a balance needs to be found between what is open to the public under open meeting law and what needs to be accomplished in a reasonable timeframe. Based on the NV-HIE board's experience, there were things that Open Meeting Law made more difficult, such as putting out a request for proposal, because they could not have more than two board members work on it at the same time.
- Ms. Hall made an inquiry about the contract with Orion, and whether the State owns the Orion software. Ms. Joiner explained that the software itself was not purchased. What was purchased was software as a service, so we never physically owned anything and were going to pay annual subscriptions to use the service. During the final grant period, the federal government decided it could not pay \$237,000 [\$270,000] worth of that contract, and because of that the final operation was never implemented. DHHS continued conversations with Orion to see what possible pieces could be used moving forward, but because we did not have funding available to complete the contract, there does not appear to be an option to use Orion. Furthermore, even if the contract had been completed and Nevada could use Orion's service, there would still be the need to onboard members to participate in the HIE to create fiscal sustainability,

which is the problem that the NV-HIE board ran into. Ms. Hall asked if the Orion interface or Rhapsody product could be used to integrate other entities in the state. Julia Peek commented that they are using Orion for that purpose to onboard laboratories.

- Ms. Aiello suggested that one lesson learned is there needs to be enough in statute, but not too much, because it cannot then be easily adjusted if changes are needed. She asked if DHHS to look into laws that may be moved to regulation so that a better balance can be found. Ms. Hall supported this.
- Ms. Joiner reminded everyone that she would continue to gather input by email or phone until next week.

**III. Adjournment** - Ms. Joiner adjourned the meeting at 9:00 a.m.