

**NEVADA HEALTH INFORMATION EXCHANGE
BOARD OF DIRECTORS
MEETING MINUTES**

**January 15, 2013
2:30 PM**

**NV Department of Employment, Training and Rehabilitation
1325 Corporate Blvd.
Reno, NV**

**NV Department of Employment, Training and Rehabilitation
2800 East St. Louis Avenue, Conference Room C
Las Vegas, NV**

BOARD MEMBERS PRESENT

Reno:

Joan Hall – Chair
Elizabeth “Betsy” Aiello
Andrew “Andy” Pasternak IV, MD
Eric Lloyd
Lynn O’Mara, Ex officio, State Health IT Coordinator

Las Vegas:

Brian Labus

On by phone:

Lindsey Niedzielski

BOARD MEMBERS EXCUSED

Leo Basch – Vice Chair
Michael Willden – Ex officio

DEPARTMENT OF HEALTH AND HUMAN SERVICES (DHHS) STAFF PRESENT:

Stefani Hogan, Director’s Office, DHHS
Megan May, Director’s Office, DHHS

OTHERS PRESENT

Reno:

Gerry Yantis, Capgemini Government Solutions
Bryan Oliver- Capgemini Government Solutions
Kim West, Quantum Mark
Erick Maddox, HealthInsight

Las Vegas:

Nield Montgomery, The Learning Center
Rachel Papka, HealthInsight
Larry Matheis, Nevada State Medical Association,

On by phone:

Alicia Hansen, Capgemini Government Solutions

Ernesto Hernandez, State Health Division
Teresa Presley, State Health Division
Libby Anders, Nevada State Board of Medical Examiners
Peggy Martin, Division of Health Care Financing and Policy
Davor Milicevic, Division of Health Care Financing and Policy

1. Call to order, roll call and determination of a quorum

Ms. Hall called the meeting to order at 2:32 pm. Ms. Hogan called the roll, and informed Ms. Hall that a quorum was present.

2. Public comment

There was none.

3. Approve December 4, 2012 and December 18, 2012 meeting minutes

MOTION: Dr. Pasternak moved to approve meeting minutes from the December 04, 2012

SECOND: Mr. Lloyd

PUBLIC COMMENT: None

APPROVED: UNANIMOUSLY

MOTION: Dr. Pasternak moved to approve meeting minutes from December 18, 2012

SECOND: Ms. Aiello

PUBLIC COMMENT: None

APPROVED: UNANIMOUSLY

4. Review, Discuss and Approve/Confirm NHIE CEO recruitment status and process

Ms. Niedzielski presented the recruitment timeline that the CEO and Staffing Committee had established, and outlined the recruitment process being developed with assistance from staff. She stated that to date 35-40 resumes had been received, and 6 or 7 of candidates were qualified or had some of the desired qualifications. Ms. Niedzielski also discussed her meeting with NNDA regarding a contact for the CEO, which they agreed was a good idea.

Ms. Hall stated that the Nevada Rural Hospital Partners has temporary office space available for the CEO, until permanent space can be procured. She offered it as an In Kind grant match contribution.

5. Review, Discuss and Confirm the NHIE Grant Sub-recipient Award Statement of Work and 9. Informational Item: Status of IRS Form 1023 filing to request NHIE 501(c)3 status

Ms. Hall read a prepared statement for the record, "I'd like to make my statement and then have any misstatement corrected by either Lynn O'Mara from the Office of HIT or by the consultants from Capgemini-

So over the past 4 months we have been inundated with information – lots of it. Obviously depending upon our person and professional stance, we have individually interpreted this information differently. We are all committed to the philosophy behind the concept of a state-

wide health information exchange – maybe a little panicked about the short time line, but committed never the less.

The State of Nevada received the federal ONC grant for Health Information Exchange in the amount of approx. \$6.5 M in 2010. Certain responsibilities are spelled out in the grant that the state office of HIT is responsible for and certain responsibilities that the sub recipient (the HIE board) are also spelled out. Additionally, both the office of HIT and the NHIE Board have specific responsibilities spelled out in SB 43 with the common goal of a state wide health information exchange program to (put very simply) increase the quality of care and hopefully reduce duplication of services and costs.

Amongst others, OHIT has the following responsibilities- I believe there are ones the HIE Board has been concerned about:

- To manager the grant and reporting requirements
- Get the sub recipient funds released to us
- Get Direct up and functioning (with our support, but their obligation)
- Obtain matching funds (again with our assistance)
- Work with state agencies to get them on board and interfaced

The HIE board is responsible as the sub recipient of the federal grant for meeting the items spelled out in the STATEMENT OF WORK that was presented to us last meeting as a 5 page document with stringent timelines – we spent a lot of time agonizing over this. We now have it represented in its full version as a much more in-depth document. The items we are responsible for are ones we have been discussing globally over the past 4 months – it is just when presented in the manner that the intensity of the issue before us are made so obvious. Eric Lloyd had previously asked for a time line of significant task – My staff put this together from the SOW provided to us – please review it for error or omissions, but we can use it as our guide for the time being.

Issues at hand for consideration today:

If the sub recipient fund are to be released to us ASAP:

- 1.) The SOW must be approved by our Board and then go thru whatever the prescribed process is within the state and fed requirements
- 2.) I understand that there may be need for timeline changes or extensions at a later date if we run into obstacles in meeting deadlines – but we should accept it as is today

If we do nothing, there will be no funds or the release will be further delayed – we can do little more than we already have done without the funding to hire staff to meet the challenges ahead of us – without staff to implement the plan this program has no opportunity to succeed and it will be doomed to fail.

With that I would like comments and recommendations from the state’s office of HIT, Lynn O’Mara and the state’s consulting firm, Capgemini. Then I would like comments from board members and hopefully a motion to approve the SOW as presented.

Still unanswered in my mind are two point:

1. Per SB 43: the Director is tasked with promulgation of regs and certification requirements
Industry was promised this would be done ASAP
What is the Boards role?
Public workshops and interest party input
2. Whose role is it to shepherd the 501(c) 3/ 1023 nonprofit filing process?"

Ms. O'Mara provided information regarding the workstream timelines for obtaining approval of the sub-recipient award to the NHIE, releasing grant funds to the NHIE, and for the state rulemaking process for NRS 439.581-595.

Ms. Aiello and Ms. Hall began the discussion of the sub-recipient award by reviewing what funding would be needed initially, and how it would be expected to be spent down going forward. Ms. Hall commented that after getting the first funding increment, it would be a rolling calculation, based on where they were at with the HIE vendor and implementation of the technical solution. Ms. Aiello asked if ONC could deny the Sub-recipient Award, even after approving it. Ms. O'Mara explained that ONC approved the funding, based on the amount of the award and NHIE's ability to meet DHHS sub-recipient requirements. She further explained that DHHS, as the grantee, was responsible for how NHIE spent the funding and would be monitoring that. Mr. Lloyd asked if the NHIE could request to receive all the funding at once. Ms. O'Mara states that both federal grant and state sub-recipient award requirements did not permit that. She said that as she had explained during her presentation of the workstream for getting grant funds to the NHIE, there was some flexibility in the rules to ensure that the NHIE had the funding it needed to meet its award deliverables, and it was important to have sufficient budget and financial documentation for audit purposes.

Dr. Pasternak reviewed the workstream timeline for getting the award approved, emphasizing that DHHS may require up to two weeks to process and approve the award application and ONC could take up to 30 days to grant approval of the requested funding. Ms. O'Mara stated that while DHHS could take up to two weeks to approve the award, it could take less time, as the DHHS Director was aware of the urgency. The request for NHIE funding approval would be submitted to ONC by January 18, 2013, as it could be going through the federal level approval process as the same time as the DHHS process. Ms. Aiello expressed concern about missing information for the Board of Examiners (BOE). Ms. O'Mara stated that the sub-recipient award did not require BOE approval, and did require approval by the DHHS Director.

The Board members discussed the section of the award application related to the RFP for the technical solution, and asked if it had to follow Open Meeting Law. Ms. O'Mara explained that most of the process would have to comply, and that there may be federal requirements for grant funding to be met as well. Mr. Lloyd asked if there were any prohibitions regarding what could or could not be included in the RFP. Ms. O'Mara commented that as a private entity, NHIE could develop the RFP as it wished, as long as it supported the sub-recipient award requirements and the State Health IT Plan. He then asked if there was flexibility regarding the proposed timeline for issuing the RFP. Ms. O'Mara stated that there was some flexibility, as long as the HIE services were operational by the HIE grant-required deadline of January 1, 2014. Ms.

Aiello queried if the NHIE would have to pay back any of the funding if they could not meet the award deliverables. Ms. O'Mara stated that as the federal grantee, DHHS was responsible for the funding and collaboration between NHIE and DHHS would be essential so that type of situation could be mitigated. Ms. Aiello stated that she was aware that some state had not been successful, and asked if they had to pay any money back to the ONC. Ms. O'Mara commented that she was not aware of any states having to pay back any of the funding, and that ONC was committed to helping the HIE grantees be successful. Ms. Hall asked what would happen if the grant match wasn't met. Ms. O'Mara stated that she did not have that answer at this time.

Mr. Labus asked if there was a budget for the sub-recipient award. Ms. O'Mara replied that there were several formats, based on what was needed for federal and state grant management and reporting purposes. She stated that the version presented to the Board for this meeting was the one that would be submitted to ONC. Ms. O'Mara commented that while the sub-recipient award budget was developed with reasonable care, there was a clause included that allowed for reallocation of the funding, with the approval of the State Health IT Coordinator, as different or unanticipated requirements were identified.

Ms. Aiello stressed the importance of hiring NHIE staff quickly, especially the CEO, as the Board members did not have the time to do the work required by the sub-recipient award. , Mr. Labus expressed concern about being asked to vote on something, without a full awareness of the rules. Mr. Lloyd stated that while he appreciated Mr. Labus concerns, he believed that the Board was in a sink or swim position, and that either the Board had a comfort level about the information presented, or the members choose not to approve the sub-recipient award application. Ms. Hall agreed with Mr. Labus. Ms. Aiello was concern about not getting their increment of funding until March.

Ms. Hall asked Ms. O'Mara to explain the particulars of the contract with DHHS, followed by Mr. Labus who asked who the contract parties were. Ms. O'Mara explained that the sub-recipient grant award was between DHHS and NHIE. The NHIE was being granted funding from Nevada's State HIE grant to establish their business operations and implement certain HIE core services required by the grant. NHIE would be reporting to DHHS, and DHHS would be reporting to ONC.

Dr. Pasternak expressed the need to move forward with the sub-recipient award. He cited that while they all had concerns about ongoing changes to requirements at the federal level, he suggested the Board not let that be an obstacle. Mr. Lloyd stated that the tight timelines required action by the Board, if deadlines were going to be met. He then asked what the key timelines were. Ms. Hall pointed out the five most near term deadlines, including those for getting the NHIE's first funding increment and getting the RFP development completed. Mr. Lloyd asked if it was true that about 85% of the RFP was already drafted. Ms. O'Mara stated that Capgemini was able to develop that much of the RFP, as part of their DHHS contract.

Since Ms. Hall had already stated a concern related to Agenda Item #9, she allowed Ms. O'Mara to address that item at this time. Ms. O'Mara reported that the Form 1023 filing requesting 501(c)3 status for the NHIE would be submitted to the IRS no later than January 16, 2013. She

noted that Ms. Hogan would email the Board, notifying them when the filing had been submitted. Because having a bank account was required to receive the grant funds, Ms. Hall said she would donate the \$100 necessary to establish the bank account.

MOTION: Dr. Pasternak motioned to approve the Sub-recipient Award Statement of Work

SECOND: Ms. Niedzielski

PUBLIC COMMENT: None

APPROVED: UNANIMOUSLY

6. Discuss and Determine NHIE Committees, including, but not limited to, committee chairs and membership

The Board reviewed the proposed committees, and objectives and scopes of work each. Mr. Labus requested to be added to the Technology Committee. Ms. Hogan reviewed committee membership to date. It was noted that the NHIE CEO and Ms. O'Mara as the State Health IT Coordinator would be ex officio members for all committees.

CEO and Staffing (3 members): Ms. Niedzielski (Chair), Dr. Basch, and Ms. O'Mara

Technology (5 members): Dr. Basch, Mr. Labus, Ms. Sherri McGee (Nevada Medicaid), Mr. Todd Radke (Nevada Rural Hospital Partners), and Mr. Ernesto Hernandez (State Health Division)

Governance and Legal (5 members): Ms. Hall, Ms. Aiello, Mr. Larry Matheis (Nevada State Medical Association), Ms. Rachel Papka (HealthHIE Nevada) and Ms. Chris Bosse (Nevada Hospital Association)

Communications and Outreach (5 members): Dr. Pasternak, Mr. Lloyd, and Ms. Niedzielski

Finance and Sustainability (5 members): Mr. Labus and Mr. Steve Boline (Nevada Rural Hospital Partners)

Evaluation (3 members): Dr. Pasternak and Ms. O'Mara

After discussion by the Board, it was agreed that each committee would elect their own chair. Ms. O'Mara and Ms. Hogan will assist Dr. Basch with recruiting committee members for the open positions.

7. Present and Discuss the draft NHIE Operations Guidelines and Procedures Manual

Mr. Yantis discuss the draft NHIE Operations Guidelines and Procedures Manual, which is expected to assist with the establishment and maintenance of NHIE operations. He explained that the document would need to be updated regularly, as the NHIE moved forward.

8. Determine and Approve future NHIE meetings

In order to schedule the next Board meetings, Ms. Hall reviewed the committee schedule for the 2103 session of the Nevada Legislature. After some discussion, the Board agreed that mornings would be best, until the session was over. Since the availability of state meeting locations would

be limited during this time, Ms. Aiello offered the DHCFP conference rooms in Carson City and Vegas, depending on their availability. Ms. Hogan noted that six of the seven Board members were available for a meeting on January 31, 2013. It was agreed that the Board would meet for two hours that day, beginning at 11 am. Ms. Hall noted that this needed to remain a standing agenda item.

10. Informational Item: Status of Nevada DIRECT implementation

Ms. Hall stated that she would like this item, the NHIE CEO recruitment, and Agenda Items 8, 9, 10, 11, 12, and 13 to be standing items on the agenda. Ms. O'Mara provided the status for Nevada DIRECT, followed by the workstream timeline. DHHS was working to resolve the issue of which type of digital certificate was required, which was critical for implementation.

11. Discuss and Determine next steps for obtaining grant match funding/sponsorships

Ms. O'Mara stated that she could provide a workstream timeline during the next meeting. Mr. Oliver noted that stated that the Communications Plan being prepared for DHHS by Capgemini included this grant requirement.

12. Discuss and Determine next steps for NHIE Bylaws

Ms. Hall stated that this was a standing agenda item, and there was no discussion or action needed at this time.

13. Discuss and Determine next steps for meeting NHIE insurance requirements as a business entity

Ms. O'Mara suggested that the Governance and Legal Committee may be able to assist with this. After some discussion, Ms. Hall stated that this needed to be a standing agenda item for the Board.

14. Public Comment

Mr. Lloyd thanked Ms. O'Mara for her work and Ms. Hall for keeping the Board on track. He stated that he felt good about this meeting, and requested regular updates to the Board regarding the approval status of the Sub-recipient Award Statement of Work.

15. Adjournment

There being no further business to come before the NHIE Board, Ms. Hall adjourned the meeting at 4:30 pm.

CERTIFICATE OF SECRETARY

I, Lindsey Niedzielski the undersigned, the duly elected and acting Secretary of the NEVADA HEALTH INFORMATION EXCHANGE (A Nevada Non-Profit Corporation), do hereby certify that the foregoing Meeting Minutes of said Corporation are a true and correct reflection of the Board of Director's Meeting held on the 1 day of 15, 2013, 2013.



Lindsey Niedzielski, Secretary