

Legal Working Group Meeting Minutes
Wednesday, December 03, 2008
10:00 a.m. to 11:10 a.m.

Attendees: Stephanie Jursek, Nancy Gillette, Bill Mitchin, Socrates Tuch, Anker Bell, Terri-Lynne Smiles, George Vorys, Jason Elvers, Aani Brown

On Phone: Jeff Kapp, Mary Crimmins, Glenn Karr, Eric Snell

WELCOME AND INTRODUCTIONS: Socrates Tuch welcomed the group, and attendees introduced themselves.

APPROVAL OF 10/29/08 MINUTES: Minutes from 10/29/08 were adopted as written.

HISPC/OHIP/NHIN UPDATE:

HISPC

Stephanie Jursek gave a brief update on HISPC: Ohio templates have been formally submitted to co-chairs, Bill Mitchin and Kathleen Delaney-Greenbaum. The revised Illinois templates were approved by the Illinois HISPC Steering Committee on December 1. There were only minor changes from the revised draft templates that had been submitted to the Legal Working Group (LWG) on November 30. The LWG is glad to welcome new members; Jason Elvers and George Vorys, who previously worked with Ohio Medicaid. Former member, Brian Pero from Cardinal Health rejoined the LWG. Stephanie also noted that based on information recently received from ONC, no phase IV is anticipated for the HISPC project.

Bill Mitchin in addition to thanking the Legal Working Group members for all of their contributions, noted that the RTI-ONC contract would not be extended for the additional year for the HISPC project. Hence, the funding for HISPC states will conclude at the end of March. Since there still remains interest among a number of HISPC states to further develop health information technology and exchange efforts, Bill commented that there may be potential for a state(s) to submit a proposal in April, 2009 directly to ONC for funding. Approval of the proposal will not be known until September, 2009. In that regard, Bill mentioned that several states have expressed interest to work with Ohio in the development of an interstate compact. To that end, the work from the DURSA group would be included.

OHIP

Nancy Gillette inquired on the position of the State of Ohio in supporting a proposal for continuation of the HIT/ HIE work in light of the current state budget issues. Bill Mitchin responded that he is meeting with the governor's office on December 5 and will know more about the State of Ohio's position on HISPC then, as well as the extension of the OHIP advisory committee. Bill is hopeful that the governor's office will extend the advisory board through March, but that will depend on the extent of available funding. Bill re-emphasized that the work done through the HISPC project has been quite valuable, and he is proactively seeking ways to continue these efforts. The LWG representatives inquired on the level of funding that would be required. Funding for Phase 3 was \$308,000. It is estimated that the funding requirement to continue without RTI would be \$250,000.

Mary Crimmins mentioned the potential of partnering with some of the states bordering Ohio: West Virginia and Indiana. So far, there has been limited conversation with Indiana. West Virginia has expressed great interest in partnering with Ohio.

NHIN

Mary Crimmins reported on DURSA updates and indicated that many of the recommended revisions are in the process of being addressed. Mary also suggested that the establishment of the federal gateway might be an avenue for more opportunities, including the development of an "OHIN." The federal gateway creates an open source model which potentially could be used at the state level.

REVIEW OF OTHER COLLABORATIVE STATE TEMPLATES:

Bill Mitchin announced that the Ohio summary analysis would be incorporated in a table similar to the table created by California. It was also noted that there are not significant differences between the California and Illinois templates. There was some discussion on several of the provisions, including whether Congressional approval is required to forming an interstate compact. The LWG did not have any specific recommend revisions, regarding the California and Illinois analyses. The general consensus at the meeting was that interstate compact is most effective with congressional approval. It was brought up that both Illinois and California will be reviewing Ohio's templates as well.

NEW BUSINESS:

Bill Mitchin will consolidate the templates. The templates will include the citations noted in the analyses. The final discussion meeting will be tentatively held on December 17, 2008. At the upcoming meeting, there will be more discussion on the intrastate analyses. In that regard, the group will be reviewing the California and North Carolina populated templates. The LWG will be requested to comment on both of these based on an Ohio perspective.

Stephanie Jursek received the inter-organizational agreements and announced that all members should forward comments to Bill Mitchin after reviewing those agreements.

Bill Mitchin will e-mail any information that he receives at the Steering Committee meeting and at his meeting with the governor's office to members of the group.

NEXT MEETING:

Next Meeting: December 17, at Vorys from 10:00 a.m.-11:30 a.m.