

# THINC RHIO, Inc.

Taconic Health Information Network and Community

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THINC RHIO Annual Meeting of the Board of Directors  
October 1, 2008, 6:30pm-8:30pm

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**Board Members Present:** Mike Duffy, Chair  
Mark Foster  
Gene Heslin  
Paul Kaye  
Arthur Levin  
Art Nizza  
Robert Savage

**Non-Board Members Present:**

A. John Blair, III ; Lee Jones; Steve Rossi; Susan Stuard; Asha Upadhyay

**Meeting materials:** 1) Meeting agenda, 2) August 2008 meeting minutes, 3) THINC 2007 audit reports, 4) THINC financials August 2008, 5) THINC update report August 2008  
6) HISPC white paper & summary 7) HVHIE presentation

**Action Items:**

1. *Steve Rossi to make Susan Stuard the sole signatory for invoices.*
2. *Susan Stuard to circulate the HISPC draft consent form to the Board.*
3. *Susan Stuard will get the name and the estimated cost for retaining the consultant to perform the due diligence on the MedAllies HEAL 5 technical workplan.*
4. *Items for upcoming meeting agendas – a detailed financial update on cash flow; a full discussion of what New York State is proposing for security policies; discussion of the THINC-MedAllies Outsourcing Agreement.*

## I. PUBLIC SESSION

### A) APPROVAL OF August 2008 MEETING MINUTES

Mike Duffy, Chair, asked for a motion to approve the minutes of the August 2008 meeting of the Board of Directors. A motion was made and seconded and the minutes were unanimously approved.

### B) THINC FINANCIALS

Steve Rossi informed the board that the THINC Finance Committee met on September 22, 2008, to review the audit reports and financials. Steve Rossi reviewed the THINC audit financials report and the project specific report for the HEAL 1 grant prepared by the external auditors. He informed the Board that THINC received a clean opinion on both.

Steve Rossi reviewed the management letter from the external auditor addressed to the THINC Board. Under the Segregation of Duties - Significant Deficiencies section, it is mentioned that there are not enough personnel at THINC for appropriate segregation of functions, so there is a higher risk of mismanagement. Steve Rossi said this issue will be

reviewed on an ongoing basis. Another item noted in the letter is about accounting records. There were four out of 40 items with documentation issues, for example, one invoice did not have a paid stamp on it and another did not have the approval stamp on it. Steve said he considers these issues to be minor and will be more diligent in the future. He said that for invoice payments he and Susan Stuard are the signatories. *Mike Duffy asked, and Steve Rossi agreed, to make Susan Stuard the sole signatory for invoices to improve the process of review and approval of invoices.*

The HEAL1 Grant audit report discusses the slower rate at which implementations are occurring than the grant requirement. The NYS DOH HEAL office and the NYS DOH Office for Health Information Technology Transformation (OHITT) office have approved a no cost extension and we are waiting for approval of the extension from the NYS Office of the Controller (OSC). Susan Stuard asked if there were any comments from the Finance Committee. Bob Savage said that this was an appropriate depiction of the discussion in the Finance Committee.

Steve Rossi discussed THINC August Financials which were also reviewed with the Finance Committee at its September 22, 2008 meeting. Steve noted that THINC is close to budget. There is an \$100k in revenue from the NHIN2 project with expenses related to the project at \$90k. Taconic IPA funded \$500k at the beginning of the year with actuals until August at approximately \$300k with a net of \$200k remaining. Salaries and fringe are in the negative but they are offset by the reduction of consulting expenses. The legal expenses are a little over budget and could go further over budget with review of the HEAL 5 grant contracts with NYS DOH and MedAllies.

The budget projection for the rest of the year indicates that there will be a surplus of approximately \$80k. This does not include any HEAL5 grant funds. Mike Duffy asked how much are we expecting for legal costs for HEAL5. Steve Rossi said approximately \$50k. Mike asked how much do we have allocated for legal costs in the grant? Susan said we have approximately \$100k, but all will not be spent in 2008. Gene Heslin asked when we expect to get the HEAL5 contracts signed. Susan Stuard said that the HEAL 5 applications are under review at OSC. Mike Duffy asked when can we begin submitting vouchers for this project. Susan Stuard said that as soon as the contract is signed and when we have the approval from OHITT on the first quarter milestones, then we can begin vouchering for the milestones that we completed in that quarter. Mike Duffy asked how would you voucher for the legal fees. Susan Stuard said that there will be milestones for the legal fees against specific deliverables.

A motion was made and seconded and the THINC 2007 Audit was unanimously approved.

## **C) THINC PROJECTS UPDATE**

Susan Stuard gave an update on the following projects:

### **1. NYSDOH – HEAL 1**

THINC requested a two year no-cost extension from NYSDOH for this project, from August 1, 2008 to July 31, 2010. We have been informed that the NYS DOH Office for Health Information Technology Transformation (OHITT) recommended to the NYS DOH HEAL Office and the NYS Office of the Controller (OSC) that an extension be given. The HEAL office has approved the extension. It is now under review by OSC. We are not aware that other HEAL 1 projects have yet received an extension. We are on target with the pace of implementations, and with the projections for quarters nine and ten.

Susan noted that THINC received a stop letter from NYSDOH on our quarter 8 voucher which is for \$416,000. Payment is pending until the NYSDOH HEAL office completes their review of our projections for implementations for quarters nine and ten. We have sent NYS DOH detailed information about the providers with whom we will be doing EHR implementations.

Susan Stuard said that the OHITT office is satisfied with our report and will be working with the HEAL office to help move this along.

## **2. ONC- NHIN2**

Susan Stuard reported that this project is moving along on target.

## **3. NYSDOH – CDC HIE**

Susan Stuard reported that this project is moving along on target.

## **4. NYSDOH-P4P/Medical Home**

THINC received notice from NYSDOH that there will be a 6% reduction (\$112k) in grant funding for this project due to cuts in the NYS budget. The budget revision to NYS DOH will propose that the cut be taken from the incentive pool, for a reduction in incentive match of \$1.5million to just under \$1.4 million.

THINC is holding one-one one discussions with the health plans about the payment equation for providing incentives on the P4P grant for achieving Level 2 NCQA Medical Home certification and the quality metrics to physicians. Dr. Blair said that the contract with the data aggregator ViPS is coming together and the health plans contracts are also moving along.

## **5. NYSDOH- HEAL 5 - SHINNY & CIS**

The NYS Department of Finance has announced that there will be no advances on the HEAL 5 grant awards. THINC is working on the detailed work plans and budgets for the project. Bob Savage asked when we will receive the funds for this project. Susan Stuard said that we can submit monthly vouchers for the first two quarters. Mike Duffy asked if we have looked at alternate sources of funding to help the cash flow shortage in the meantime? The total grant amount is \$11M over two years. Gene Heslin asked if there is any risk since the funds come from F-SHRP and the rest from the New York State budget. Susan Stuard said that this is a legitimate worry and she is not sure about the risk involved. Mike Duffy asked if the IPA was going to help THINC RHIO next year. Dr. Mark Foster note that the TIPA financial commitment was for five years.

*Mike Duffy asked for a financial update on cash flow at the next board meeting in November.*

## **D) HISPC Privacy Whitepaper**

Susan Stuard said that she spoke to Art Levin, the chair of the Privacy Committee, about how to review the topic of consent with the Board. She reviewed a handout which mapped the four levels of consent to THINC RHIO's proposed activities under HEAL 5.

Level 1 HIE consent is required when there is a community wide transaction, for example when a patient locator function is used to identify the whereabouts of information on a patient. Level 1 transactions require consent. Queries for Medicaid medication history data will also require consent. Paul Kaye asked why this is required. Susan Stuard said NYS DOH has interpreted the New York State law as having an affirmative consent requirement for all Medicaid data. Dr. Mark Foster asked who obtains consent and how long is the consent valid. Susan Stuard said that NYS DOH expects consent would be obtained by the provider. For Level 1, consent is durable and is valid for the life of the patient until the patient revokes consent. For level 2, consent is valid until the expiration date specified on the form.

Dr. Heslin said that there are special populations for whom this has to be thought out further. A lot of work remains in the area of consumer education at the state level and at the local level. Topics such as do individuals understand what they are signing, have to be addressed. There are certain transactions that a physician can perform without consent. There are other areas such as obtaining medication history, which requires a lookup, where physicians will have to agree to implement consent.

Susan Stuard and Art Levin will work on developing the educational materials for the consumer. Dr. Heslin said that in Massachusetts consent is accepted by 93-95% of patients. He said that what is needed is mass education.

Susan Stuard informed the board that the NYS DOH Health Information Security and Privacy Collaboration consent white paper is open for public comment. She asked the Board if they would like to go on record to say that they support consent. The board agreed that they do support consent. Paul Kaye said that people who are worried about this are special populations that know what the privacy rules and regulations are. He said the provider has to be clear about what data consent is being obtained for (HIV, mental health, genetic info).

Art Levin said that we should support consent but we can express concern about operationalizing the consent. Informing and educating the consumer on things such as why ehealth is important, about how their data is being protected and secured by technology and about what the notification process will be in the event of a breach. The THINC privacy committee will work on innovative ways to address these issues.

Mike Duffy asked if there is any proforma of the documents that the patient would be given to look at and sign. ***Susan Stuard will circulate the NYS DOH draft consent form to the Board.***

Dr. Heslin said that the consent documents will elaborate on the risks and benefits. But New York State has to take a leadership approach on the implementation. Dr. Blair said that no one has the funding to do this, not the state or the RHIOs. Dr. Foster said that we need to have clear direction from New York State on implementation and on breach.

***Susan Stuard said that we will come back to the Board with a full discussion of what the state is proposing with the 4A's – Authorization, Authentication, Access & Audit.***

## **E) TECHNICAL ARCHITECTURE FOR HVHIE V2.0 - PRESENTATION**

Susan Stuard noted that the Board had asked for an explanation of the technical architecture for the HEAL 5 project. As such, she asked Lee Jones to make a presentation on THINC's Hudson Valley Health Information Exchange (HVHIE) platform based on the HEAL 5 proposal. His

presentation covered topics such as: HVHIE “Marketecture”; Integration of the state network (SHIN-NY) and THINC’s HVHIE; HVHIE Public Health transactions; EHR transactions; Transactions with entities outside the HVHIE; Lab-EHR transactions; EHR-EHR transactions; EHR-Quality Reporting transactions; EHR-eRX-Medication history transactions; Hospital-Medication history transactions; EHR-Hospital transactions. He discussed the timeline for the project with the rollout to practices and hospitals to start in Fall 2009 thru August 2010.

Susan Stuard informed the Board that as per advisement by Don Neubecker, THINC’s external auditor, she would like the Board to consider retaining an outside consultant to do the due diligence and review the HEAL5 technical work plan which would be submitted to NYSDOH.

*Susan Stuard will get the name and the estimated cost for retaining the consultant for the November Board meeting.*

## **F) NEW BUSINESS**

There was no new business. A motion was made, seconded and approved to adjourn the public meeting and the Board reconvened in Executive Session.