

November 15, 2021

Patrick O'Donnell
Clerk of the Legislature
P.O. Box 94604
Lincoln, NE 68509

Senator John Arch
Chairperson, Health and Human Services Committee
District 14
P.O. Box 94604
Lincoln, NE 94604

Dear Mr. Clerk & Chairperson Arch,

Pursuant to Neb. Rev. Stat. 81-6,128 as part of the Population Health Information Act, attached is a report regarding the activities of the Health Information Technology Board.

If you have any questions, please contact Timoree Klingler at tklingler@cynchealth.org.

Background

In 2020, the Nebraska Legislature Passed LB 1183, The Population Health Information Act. This Act created the Health Information Technology (HIT) Board as a body to be an advisor on criteria surrounding the statewide health information exchange and prescription drug monitoring program (PDMP). The HIT Board also acts as the body who evaluates and grants permission for the release of certain data requests if all state and federal regulations are met. It was also meant to give the PDMP more flexibility in data collection as technology and terminology changes over time, thereby allowing a change to be made regarding the type of identifying information collected in the system in lieu of introducing legislation each time a change is needed. Additionally in 2021, the Legislature passed LB 411 which requires participation in the statewide health information exchange by certain health care facilities. The HIT Board is tasked with establishing criteria surrounding the clinical information which is collected.

The HIT Board is composed of seventeen members to be appointed by the Governor with approval by the Legislature. Statute dictates that members were to be appointed by February 1, 2021, and the Board should begin meeting on or before April 1, 2021. The majority of members on the Board are credentialed health care providers and maintaining their credential in good standing is a requirement of service.

The purpose of the HIT Board is to:

- Establish criteria for data collection and disbursement by the statewide health information exchange and the prescription drug monitoring program to improve the quality of information provided to clinicians;
- Evaluate and ensure that the statewide health information exchange is meeting technological standards for reporting of data for the prescription drug monitoring program, including the data to be collected and reported and the frequency of data collection and disbursement;
- Provide the governance oversight necessary to ensure that any health information in the statewide health information exchange and the prescription drug monitoring program may be accessed, used, or disclosed only in accordance with the privacy and security protections set forth in HIPAA;
- Provide recommendations to the statewide health information exchange on any other matters referred to the board.

Appointment of Members

Fourteen members of the HIT Board were appointed in mid-September of 2021. Confirmation hearings for the appointed individuals were held on September 14 & 15. Those individuals were confirmed by full vote of the Legislature during the 2021 Summer Special Session on September 21, 2021.

Current members, along with their statutory position as referenced in Neb. Rev. Stat. 81-6,127 (2), on the Board include:

- Senator John Arch, Chair of HHS Committee, NE Legislature ex-officio (O)
- Kevin Bagley, Nebraska Department of Health and Human Services– Payor Representative (L)
- Manuela Banner, Memorial Community Hospital, Hospital CEO (F)
- Jessika Benes, Mid Plains Mobile Vet, Veterinarian (I)
- Aimee Black, Nebraska Total Care, PDMP Delegate (K)
- Dr. Jaime Bland, CyncHealth, HIE Representative (N)
- Dr. Anna Dalrymple, Gothenburg Clinic, Family Practice Physician (B)
- Lynn Edwards, Gothenburg Health, HIM Representative (M)
- Dr. Kimberley Haynes-Henson, UNMC, Pain Medicine Physician (E)
- Dr. Monalisa Mcgee-Baratta, Salvation Army, Substance Abuse Professional (D)
- Ashley Newmyer, Nebraska Department of Health and Human Services, DHHS Representative (J)
- Felicia Quintana-Zinn, Nebraska Department of Health and Human Services, Individual with experience with the Prescription Drug Monitoring Program (A)
- Senator John Stinner, Chair of Appropriations Committee, NE Legislature, ex-officio, (O)

At the time of this report three positions remain vacant on the HIT Board, they include:

- Pharmacist (C)
- Dentist (G)
- Advanced Practice Registered Nurse (H)

Additionally, legislation passed in 2021 (LB 411) stated that the Department of Health and Human Services and the Statewide Health Information Exchange shall enter into an agreement regarding the distribution of de-identified, state derived Medicaid Data. That agreement was finalized and fully-executed in September of 2021.

HIT Board Activities

The HIT Board held an orientation for HIT Board members on October 12, 2021 to acquaint members to the statewide health information exchange and prescription drug monitoring program, data governance, data security, and data requests received to date.

An initial meeting of the HIT Board is scheduled for November 18, 2021, at which time a chair and vice chair will be elected and bylaws will be adopted. Additionally, the Board will review and approve a waiver application as it relates to health care facilities participating in the statewide health information exchange. Also, the Board will consider, review, and provide feedback regarding draft policies related to requested release of data for statistical, public policy or educational purposes after removing information which identifies or could reasonably identify the patient, prescriber, dispenser, or other individuals¹ and requests for quality measures approved by state or federal agencies or for patient quality improvement or research initiatives.²

At the time of submission of the annual report, the HIT Board has three pending data requests that contain prescription drug monitoring data, all from educational institutions.

It is the intent of the HIT Board to meet on a monthly cadence and transition to a quarterly schedule. There may be additional meetings required due to the number of requests that are made of the Board.

To view more information about the Nebraska Health Information Technology Board and view meeting agendas, you may visit the website here: <https://cynchealth.org/resource-center/nebraska-hit-board/>

¹ Neb. Rev. Stat. § 71-2454 (9)

² Nev. Rev. Stat. § 71-2454 (10)