

November 14, 2023

Brandon Metzler  
Clerk of the Legislature  
P.O. Box 94604  
Lincoln, NE 68509

Senator Ben Hansen  
Chairperson, Health and Human Services Committee  
District 16  
P.O. Box 94604  
Lincoln, NE 68509

Dear Mr. Clerk & Chairperson Hansen,

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 for 2023.

If you have any questions, please contact the Board Administrator at [policy@cynchealth.org](mailto:policy@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 advise on criteria surrounding the statewide health information exchange (HIE) and prescription drug monitoring program (PDMP). The HIT Board also acts as the body that evaluates and grants permission for the release of certain data requests if all state and federal regulations are met. The Board is also meant to give the PDMP more flexibility in data collection as technology and terminology changes over time, through allowing changes to be made regarding the type of identifying information collected in the system in lieu of introducing legislation each time a change is needed.

In 2021, the Legislature passed LB 411, a bill which requires participation in the statewide health information exchange by certain health care facilities and health insurance plans. The HIT Board is tasked with establishing criteria surrounding the claims and clinical information collected by the health information exchange, as well as approving or denying any applications for waiver from this required participation due to technological burden.

The HIT Board is composed of seventeen members: fifteen members appointed by the Governor with approval by the Legislature, and two non-voting ex-officio seats filled by the current chairs of the Appropriations and the Health and Humans Services committees. 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, and
- Provide recommendations to the statewide health information exchange on any other matters referred to the board.

**Board Members**

The 2023 legislative session saw the confirmation of the appointees to the three final seats on the HIT Board as well as the placement of the new ex-officio members in the senate committee chair seats.

**The 2023 members of the HIT Board are listed below along with their statutory position** as referenced in Neb. Rev. Stat. 81-6,127 (2).

<b>Statute Seat</b>	<b>Name</b>	<b>Organization</b>
(a) Individual with experience in operating the PDMP	<b>Felicia Quintana-Zinn</b>	Nebraska Department of Health and Human Services
(b) Physician	<b>Dr. Stephen Salzbrenner</b>	UNMC
(b) Physician – <i>family practice</i>	<b>Dr. Anna Dalrymple</b>	Gothenburg Clinic
(c) Pharmacist	<b>Dr. Phillip Vuchetich</b>	Arxsine
(d) Alcohol and drug counselor providing services for a state-licensed treatment program	<b>Dr. Monalisa Mcgee-Baratta</b> <b>(Board Chair)</b>	Salvation Army
(e) Provider board-certified in pain management	<b>Dr. Kimberley Haynes-Henson</b>	UNMC
(f) Hospital administrator	<b>Manuela Banner</b> <b>(Board Vice Chair)</b>	Memorial Community Hospital and Health System
(g) Dentist	<b>Dr. Mark Latta</b>	Creighton University School of Dentistry
(h) Nurse practitioner authorized to prescribe medication	<b>Dr. Douglass Haas</b>	UNMC College of Nursing – Kearney Division
(i) Veterinarian	<b>Dr. Jessika Benes</b>	Mid Plains Mobile Vet
(j) Representative of NE DHHS	<b>Ashley Newmyer</b>	Nebraska Department of Health and Human Services
(k) Representative of a delegate (as defined in 71-2454)	<b>Dr. Aimee Black</b>	Nebraska Total Care
(l) Health care payor	<b>Dr. Kevin Bagley</b>	Nebraska Department of Health and Human Services
(m) Credentialed health information management professional	<b>Lynn Edwards</b>	Gothenburg Health

(n) Representative of the statewide HIE	<b>Dr. Jaime Bland</b>	CyncHealth
(o) Chairperson of the Health and Human Services Committee of the Legislature ( <i>ex-officio seat</i> )	<b>Senator Ben Hansen</b>	<i>NE Legislature</i>
(o) Chairperson of the Appropriations Committee of the Legislature ( <i>ex-officio seat</i> )	<b>Senator Robert Clements</b>	<i>NE Legislature</i>

## **2023 HIT Board Meetings and Activities**

Since the 2022 annual report was submitted, the board has held the following meetings:

- **December 15, 2022** - virtual
- **March 23, 2023** – in-person in Lincoln, NE
- **June 15, 2023** – virtual
- **September 28, 2023** – in-person in Omaha, NE

The final meeting of 2023 is scheduled for after the submission deadline of this report:

- **December 14, 2023** – virtual

For the 2023 year, meetings were scheduled quarterly. Two meetings were designated as “in-person” meetings, and two were designated as virtual.

Timely notice was posted on the Nebraska Public Meeting Calendar and agendas were posted publicly prior to all meetings, pursuant to the Open Meetings Act.

CyncHealth, as the statutorily designated administrator of the Health Information Technology Board, maintains copies of all meeting minutes, which are available to the public upon request by contacting the administrator of the HIT Board.

All policies that are approved by the HIT Board are made publicly available on the website (<https://cynchealth.org/resource-center/nebraska-hit-board/>).

## **Meeting Content and Activities**

In addition to decision-making actions and policy adoption, the HIT Board also received several presentations throughout the year intended to educate them on topics related to data exchange, such as federal regulations, privacy and security, technology developments, and status updates from the designated statewide health information exchange entity (CyncHealth).

**The following topics were presented for board education and awareness since the submission of the 2022 annual report:**

- PDMP as part of CMS program requirements
- HIE and PDMP usage statistics
- New technology demonstration from CyncHealth: Research Hub
- Payer participation and claims data updates
- Availability of Parkinson’s data (aggregated) in the HIE/PDMP
- Regular updates from the CyncHealth Collaborative and Foundation regarding approved data request projects
- Results of the TTAC (Training & Technical Assistance Center) annual survey of PDMPs in all states and territories
- Security certifications for the HIE and PDMP and related updates from CyncHealth
- Federal information blocking regulations updates

**Waivers of Participation**

Pursuant to Neb. Rev. Stat. § 1-6,125(e), *“A health care facility may apply to the board for a waiver from the requirement to participate under this subsection due to a technological burden. The board shall review the application and determine whether to waive the requirement. If the board waives the requirement for a health care facility, the board shall review the waiver annually to determine if the health care facility continues to qualify for the waiver.”*

**No applications for a waiver of participation have been received from any facilities since the submission of the 2022 annual report.**

<b>Facility</b>	<b>Subject</b>	<b>Outcome</b>
<i>None submitted</i>		

## **Projects Presented to HIT Board for Approval**

Under the Population Health Information Act, the HIT Board is tasked with approving the dispersing of aggregated and de-identified PDMP information for public health or research purposes.

Data requestors are predominantly universities conducting research. Requests move through internal governance processes at CynHealth and its research division, the Nebraska Healthcare Collaborative. There is a comprehensive set of criteria that requestors must meet, including collaboration with the Internal Research Board (IRB) of the institution where they reside.

**The HIT Board has approved the following project since the submission of the 2022 annual report:**

March 2023	Buprenorphine Prescribing for Opioid Use Disorder – <i>Nebraska Medical Association, Medications for Opioid Use Disorder Project</i>
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To get more information on the Nebraska Healthcare Collaborative and view the standards that requests for information must meet, visit:

<https://cynhealth.org/about/nebraska-healthcare-collaborative>

To view the Nebraska Healthcare Collaborative project submission guidelines, you can view the manual here:

<https://cynhealth.org/wp-content/uploads/2021/04/NHC-Project-Proposal-Guidelines-Manual.pdf>



## **Policies Approved by the HIT Board**

Under the Population Health Information Act, the HIT Board is charged with adopting policies and procedures necessary to carry out its duties.

Proposed policies are presented to the board for review in the pre-meeting materials. During the meetings, policies are presented by their sponsors, followed by questions and discussion from the board. All policies are voted on by a roll call vote, with a simple majority of present active voting members required for approval.

Policies that are brought to the board from the designated statewide HIE and PDMP, CyncHealth, undergo an internal review process prior to being brought to the Board for approval. All CyncHealth policies must go through internal data governance review and approval processes to ensure compliance with all applicable laws, industry standards, and best practices for data-sharing.

**The following policies have been adopted by the Board since the submission of the 2022 annual report:**

December 2022	Payor Data Standards Policy – Immunizations
December 2022	PDMP Zero Reporting Policy
December 2022	Payor Data Standards Policy (updated to include social care data)
March 2023	PDMP Workflow Integration Policy
September 2023	ASAP 5.0 Policy

For easy reference and transparency, all adopted policies are available publicly on the HIT Board’s website: <https://cynchealth.org/resource-center/nebraska-hit-board/>.

This report was compiled and submitted by the Board Administrator on behalf of and in partnership with the HIT Board chair, vice chair, and members.

*Board Administrator contact:* [policy@cynchealth.org](mailto:policy@cynchealth.org)

*HIT Board website:* <https://cynchealth.org/resource-center/nebraska-hit-board/>