



STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

TESTIMONY PRESENTED BEFORE THE PUBLIC HEALTH COMMITTEE
March 12, 2010

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Senate Bill 403 - An Act Concerning Health Information Technology

The Department of Public Health supports Senate Bill 403, and provides the following information including a request for revisions as outlined in paragraph 5.

Senate Bill 403 establishes a not-for-profit institute for health information technology and exchange. This entity, known as the Connecticut e-Health Institute, is designated as the lead health information exchange organization for the state effective January 1, 2011. This represents a change from the current governance model for health information technology that designates the Connecticut Department of Public Health as the lead health information organization for the state. This proposed not-for-profit institute with a strong government oversight governance model is supported in literature and widely adopted nationally, and will best position the state for short and long term success in the exchange and meaningful use of health information.

Public Act 09-232, "An Act Concerning Revisions to Department of Public Health Licensing Statutes" (the Act), designated the Department as the lead health information exchange organization for the State. Passage of the Act tasked the Department with the implementation and periodic revisions of a Health Information Technology Plan, including the implementation of an integrated state-wide electronic health information infrastructure for the sharing of electronic health information among health care facilities, health care professionals, public and private payers and patients. The Act required the Department to develop standards and protocols for privacy in the sharing of electronic health information. The Act also mandated the establishment of a Health Information Technology and Exchange (HITE) Advisory Committee by October 1, 2009, and required the Advisory Committee to convene the first meeting by November 1, 2009.

As the lead health information exchange agency for Connecticut and as mandated by Public Act 09-232, the Department has convened the HITE Advisory Committee and has applied for \$7.29 million in federal funds pursuant to the federal American Recovery and Reinvestment Act (ARRA) of 2009. These funds will be used to develop approvable strategic and operational health information technology plans and to build capacity for statewide exchange of health information. However, the Department has identified several critical challenges to the current government-led health information exchange governance model. It limits private sector and healthcare community participation in the decision-making process, impedes flexibility in selecting and implementing leading practice technologies in order to meet tight "Meaningful Use" criteria timelines, limits ability to engage private sector expertise when appropriate, and limits the ability to leverage existing technologies and health information exchange activities.

The Department supports this legislative proposal, which will replace the current Advisory Committee with a Board of Directors and transition certain of the Department's responsibilities to a not-for-profit institute. The Board will have the authority to direct the institute to engage with more flexibility and responsiveness to the ongoing health information exchange activities in the state. The Department will maintain oversight of the exchange process by contracting with the institute for the federal ARRA funds and by virtue of the DPH Commissioner's position as Chair of the Board. The institute itself will be able to hire much needed expertise to perform the crucial statutory functions of plan implementation and standards development previously delegated to the Department of Public Health.

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Section 1(a) designates the Commissioner of Public Health as the Chair of the Board of Directors of the institute. The Department respectfully requests the language be changed to reflect the Commissioner of Public Health or **his Designee**. This section also designates the Commissioners of Social Services, Consumer Protection, the Office of Health Care Access, the Chief Information Officer, the Secretary of the Office of Policy and Management and the Healthcare Advocate as ex-officio, nonvoting members of the Board of Directors. While Senate Bill 403 identifies the Commissioner of Public Health as the voting chairperson of the Board, the Department has concerns regarding the designation of our sister state agencies lack of voting privileges. In order to ensure consistency with the strong government oversight governance model and in order to promote the protection and appropriate use of patient health care data, it is recommended that **all state agencies be full voting members of the Board of Directors**. Finally, the Department notes that a technical revision to the proposed bill is necessary to reflect the consolidation of the Office of Health Care Access in the Department.

Thank you for your consideration of the Department's views on this bill.