

October 31, 2022

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 the Board Administrator at HITBoard@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 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 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. The HIT Board is tasked with establishing criteria surrounding the clinical information collected by the health information exchange.

The HIT Board is composed of seventeen (17) 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

Current members, listed below along with their statutory position as referenced in Neb. Rev. Stat. 81-6,127 (2), have not changed since their appointment and confirmation in July of 2021.

Members on the Board include:

- **(Chairperson)** 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)*
- Dr. Jessika Benes, Mid Plains Mobile Vet; *Veterinarian (I)*
- Dr. 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)*
- **(Vice-Chairperson)** 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)*
- Dr. Stephen Salzbrenner, UNMC; *Assistant Professor of Psychiatry (B)*
- Senator John Stinner, Chair of Appropriations Committee; *NE Legislature, ex-officio, (O)*

In September of 2022, two new members were appointed and await confirmation by the Health and Human Services Committee in the 2023 Legislative Session. Members may participate as they await appointment.

- Dr. Phillip Vuchetich, Arxsine; *Pharmacist (C)*
- Dr. Douglass Haas, UNMC; *Advanced Practice Registered Nurse (H)*

At the time of this report one position continues to remain vacant on the HIT Board:

- Dentist (G)

HIT Board Activities

As of the date of this report, the HIT Board has held six (6) regularly scheduled meeting of the Board:

January 20, 2022
February 17, 2022
April 21, 2022
June 23, 2022
September 15, 2022
October 20, 2022

Meetings are regularly held on the third Thursday of each month if there is business for the Board to conduct. All agendas are posted on the Nebraska Public Meeting Calendar and provided with proper notice pursuant to the Open Meetings Act.

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

Along with the approval of data that is dispersed in accordance with the policies and procedures, the HIT Board also received several presentations throughout the year intended to educate them on various facets of information and data security, and how health data is utilized to educate and inform in a research-based environment.

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.”

In 2022, there were five (5) requests to the Health Information Technology Board for a waiver due to a technological burden.

| Facility | Subject | Outcome |
|----------------------------|---|----------------|
| Bryan Health | Applied for a partial waiver to withhold certain restricted substance use treatment health information that is subject to stricter privacy requirements per 42 CFR regulations. | Denied |
| Fresenius Kidney Care | Applied for a waiver based on an electronic burden because it is too difficult to comply with rules for multiple states. | Denied |
| Midwest Endoscopy Services | Applied for a waiver based on an electronic burden. It was discovered during investigation that MES had software that would enable them to participate with the Statewide HIE. The Board felt strongly the health information that MES provides was integral information that patients should have access to when receiving care elsewhere. | Denied |
| Millard Family Hospital | Applied for a waiver based on an electronic burden with no supporting information. | Denied |
| Papillion Family Hospital | Applied for a waiver based on an electronic burden with no supporting information. | Denied |

Projects Presented to HIT Board for Approval

Under the Population Health Information Act, the Health Information Technology Board is tasked with approving the dispersing of prescription drug monitoring program information that has been aggregated and de-identified if being used for public health information or research purposes.

Data requestors are predominantly universities conducting research, and requests move through internal governance process at CyncHealth and our research division, Nebraska Health Care 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.

To get more information on the Nebraska Healthcare Collaborative and view the standards and criteria requests for information must meet, you may visit here:

<https://cynchealth.org/about/nebraska-healthcare-collaborative/project-proposal/>

And to view the Nebraska Healthcare Collaborative-specific project submission guidelines, you can view the manual here:

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

In 2022, the Health Information Technology Board approved the following projects:

| | |
|---------------|--|
| December 2021 | Opioid Treatment and Work-Related Injuries – University of Iowa Injury Prevention and Research Center |
| December 2021 | A Critical Examination of the Incidence of Neonatal Opioid Exposure in Rural Nebraska-UNMC, NE Perinatal Quality Improvement Collaborative |
| December 2021 | Effects of Chronic Opioid Use in Patients with Acute Coronary Syndrome – CHI Creighton University Medical Center |
| January 2022 | Understanding Prescription Non-Compliance and its Effect to Hospitalizations in Nebraska – University of Nebraska at Omaha |
| January 2022 | Midwest Institute for Citizen Health – Prescription Drug Monitoring Data on Asthma Medication for Youth |
| February 2022 | Understanding Depression’s Impact during Postpartum Period in Nebraska – CyncHealth |
| October 2022 | Impact on Adherence after Implementation of Health System Medication Assistance in Patients with Diabetes – UNMC College of Pharmacy |
| October 2022 | Assessing the Impact of Health IT for Screening, Referral, and Receipt of Social Services on Patient Outcomes – Drexel University |
| October 2022 | Understanding Parkinson’s Disease in Nebraska - CyncHealth |

Member Education

Throughout the year, there were several topics presented to the HIT Board members to increase their level of education and awareness surrounding health data. Topics included:

- HITRUST certification
- 42 CFR Part 2 Data Protection
- eHealth Exchange and participation in other national health data networks
- Onboarding of participants pursuant to LB411 (2021)
- Research publication
- PDMP data collection and query statistics
- Ongoing updates regarding projects approved by the HIT Board throughout the year

To view more information about the Nebraska Health Information Technology Board, including meeting agendas, you may visit the website here:

<https://cynchealth.org/resource-center/nebraska-hit-board/>