TEXAS MEDICAL ASSOCIATION

Physicians Caring for Texans

May 30, 2014

Tony Gilman, Executive Director
Texas Health Services Authority
5900 Southwest Parkway
Austin, TX 78735

Re: 2014 State HIE Plan

Dear Mr. Gilman,

The Texas Medical Association ("TMA") is a private, voluntary, nonprofit association of Texas physicians and medical students. TMA was founded in 1853 to serve the people of Texas in matters of medical care, prevention and cure of disease, and improvement of public health. Today, our maxim continues in the same direction: "Physicians Caring for Texans." TMA's diverse physician members practice in all fields of medical specialization.

On behalf of our more than 47,000 member physicians and medical students, TMA appreciates this opportunity to review and offer comments on the 2014 State HIE Plan.

TMA looks forward to working with THSA as the plan is further refined.

Sincerely,

Matt Murray

Matt M. Murray, MD
Chair, *ad hoc* Committee on Health Information Technology

Goal 1	Increase the Size, Scope, and Services Supported through the Texas Statewide HIE Network
Strategic Domain	Infrastructure
Context	The HIE infrastructure in Texas is composed of state-level technical services and local HIE operations. With the appropriate support, HIE could be developed in rural areas of the state that currently lack local HIEs. In addition, connectivity to state and federal agencies could provide greater value and the development of a state-level provider directory could facilitate more efficient electronic exchange among clinicians and health care organizations.
Strategy	Administer and expand HIE infrastructure.
Current Ongoing Programs and Activities	• Core state-level HIE technical operations – Continue to administer state-level technical HIE infrastructure (i.e., HIETexas) and support local HIE connectivity. • Rural HIE planning and development – Continue to support the development and implementation of a rural HIE strategy. • State agency connectivity – Continue to pursue opportunities for exchange with state agencies (e.g., DSHS, Medicaid). • Federal agency connectivity – Continue to pursue opportunities for exchange with federal agencies (e.g., VA, SSA).
Proposed New Programs and Activities	• Local HIE Support – Establish and administer a local HIE support function (incubator) that provides legal and technical support to existing and emerging HIEs. • Private HIEs – Establish mechanism for connecting private HIEs to HIETexas. • Provider directory – Establish statewide provider directory

	interoperability and connectivity.
Stakeholder Feedback	TMA agrees that THSA should provide local HIE support for existing and emerging HIEs, regardless of whether the HIEs are urban or rural. TMA's policy specifically supports this: "State support for HIE is important. However, state government's primary role should be to foster coordination of HIE efforts, including providing access to funding or other financial incentives that promote the adoption of health information technologies." As part of supporting local HIE functions, THSA should continue to advocate for and seek funding sources allowing the local public HIEs to operate as public utilities serving the patients of their respective coverage area. While TMA agrees that THSA will increase in size and services offered, TMA does not believe that THSA's scope should be expanded. TMA maintains a database of all licensed physicians in Texas that includes core demographics, specialty, practice setting, and NPI numbers. Data is reviewed nightly for integrity purposes and gleans information from multiple sources such as Texas Medical Board, American Board of Medical Specialties, Centers for Medicare & Medicaid Services, and US Post Office just to name a few. TMA is able to leverage the database for a statewide physician directory, and welcomes the opportunity to work with THSA to further interoperability and connectivity of Texas physicians.

Goal 2	Support Statewide HIE Adoption and Use
Strategic Domain	Sustainability

Context	The State HIE Program provided important initial funding for HIE in Texas and throughout the nation, but it has always been understood that the ongoing financial sustainability of the HIE infrastructure would need to come from the market. The original Strategic and Operational Plan included a sustainability plan, as did the Business and Operational Plans of each of the local HIEs in the Texas Local HIE Program. However, operationalizing these plans has proven to be complex and difficult.
Strategy	Develop a sustainability plan.
Current Ongoing Programs and Activities	- Public funds – Continue to oversee the investment of public funds as provided through the State HIE program and Texas Senate Bill 1367 (83rd Regular Legislative Session). - HIETexas connectivity fees – Continue to develop and administer the HIETexas business model through which local HIEs and other entities wanting to connect directly to HIETexas pay a connectivity fee. - Covered entity certification program – Continue to develop and administer the privacy and security process for Texas covered entities, for which certification fees are charged, as directed by legislation. - HIE accreditation program – Continue to develop and administer the HIE accreditation program for which accreditation fees are charged.
Proposed New Programs and Activities	- Social Security Administration – Develop the connectivity to the national HIE layer (eHealth Exchange), through which HIETexas will be able to facilitate submission of electronic clinical documentation in support of SSA disability benefits applications, for which SSA provides some financial compensation for each submission. - Payer strategy – Work with payers to develop a mechanism for their operational and financial participation in the Texas HIE infrastructure.

Stakeholder Feedback	While TMA appreciates the work THSA is doing to develop various business models, it seems that this current and proposed sustainability plan is only for THSA activities. THSA should continue to bolster the local public HIEs by seeking funding sources helping them operationalize their business and operational plans even though they have proven to be "complex and difficult." The local HIEs are striving to meet the HITECH requirements, THSA requirements, and market demands. Most public HIEs are operating with minimal staff and operating costs and need the financial, legal, and public support of THSA. THSA should seek sustainability collectively for themselves and all public HIEs in Texas. It takes a strong, united front to build strong regional HIEs in Texas that will further support patient care and outcomes. This is supported by TMA policy, "State support for HIE is important. However, state government's primary role should be to foster coordination of HIE efforts, including providing access to funding or other financial incentives that promote the adoption of health information technologies." THSA may consider creating incentives that encourage private HIEs to connect with public HIEs. TMA policy further states that "any costs of supporting systems providing HIT incentives to physicians should be borne by all stakeholders, clearly defined, fair, simple to understand, and accountable, and should support the financial viability of the considered practice." THSA may consider seeking FCC funds for broadband expansion as there are still areas of Texas that do not have solid internet connectivity, which inhibits HIE use.

Goal 3	Continue to Build Confidence and Trust in Texas HIE
Strategic	Trust

Domain	
Context	Trust is one of the most important elements in a health information exchange ecosystem. Trust includes privacy, security, and confidentiality standards and policies to identify and communicate common expectations and requirements; the contracts and other legal documents to bind participants to these expectations and requirements; and the technical infrastructure necessary to support these expectations and requirements. Although a substantial amount of work has already been done by THSA and HHSC relating to the trust framework, its importance demands that it remain an area of focus.
Strategy	Maintain and update legal and technical trust framework.
Current Ongoing Programs and Activities	- Policy – Convene stakeholders to support ongoing input on HIE legal/policy framework. - Governance – Coordinate state-level HIE governance structure. - Privacy and security – Continue to emphasize privacy and security in technical and policy work. - HIE Accreditation – Manage the HIE accreditation process to maintain trust in use of HIE infrastructure. - Covered entity certification – Manage the covered entity certification process and increase awareness of the program.
Proposed New Programs and Activities	- Legal framework – Continue to develop and refine the legal instruments underpinning the trust framework. - Technical Framework – Continue to develop and refine the technical infrastructure supporting the trust framework.
Stakeholder Feedback	TMA agrees completely that trust is one of the most important elements in a health information exchange ecosystem. TMA policy

supports the need for trust and states, "TMA supports a legislative safe harbor that limits a physician's liability exposure if patient data provided to an HIE by the physician are breached due to the actions or inactions of the HIE, another HIE participant, or any other person. Each participating individual or entity should only be responsible for his or her own actions or inactions as it relates to a possible breach of protected health information provided to an HIE."

   TMA urges THSA to continue to provide assistance to the local HIEs as they tighten up their legal and technical framework as they serve stakeholders in their region. Cost and technical barriers remain that inhibit bidirectional data integration between EHRs and HIEs at the ambulatory practice level. THSA should leverage resources to help lower and remove these barriers.

   Some other areas that THSA could focus on would be standards across regional HIEs such as:

> *Performance Standards*. System performance has many components. Many of these do not have minimum performance standards such as system response time. It is unlikely that the federal government will set these standards anytime soon, but they are critically important to successful adoption. As an example, THSA could set a standard (after appropriate input) that THSA-certified HIEs will respond to a query with patient information within 2 seconds.

> *MPI Matching*. When a patient is queried, there needs to be a match against the Master Patient Index (MPI).   Currently each HIE likely uses different probabilities for matching patients, resulting in differing probabilities of mismatches or missing a match. When patient matching is conducted, there should be a percentage of probability that the requestor has the correct patient (typically 99% or better).

> *Data Display Standards*. As data are returned from various HIEs, there should be a standard of how the data are displayed so that physicians do not miss or misinterpret the data. For example, different units of measure may be used for the same test, so this clearly needs to be noted; similarly, minimum font sizes should be

	specified for readability.
	Consent standards. It will become increasingly important as HIEs increase their scope that they all utilize the same consent form and process (opt out or opt in, etc...). Otherwise patients and physicians will become confused from differing approaches by different HIEs
	THSA and the Texas HIEs should NOT prescribe professional standards of care or clinical content standards (e.g., what is an allergy?). Those standards are developed and disseminated by physicians.

Goal 4	Empower Patients through Health IT and HIE
Strategic Domain	Communications
Context	HIE has historically been a fairly niche activity, outside of the mainstream, and relatively unknown to health care providers, patients, and others. With the importance of HIE to new payment models and patient care, the need to actively promote HIE and educate health care providers, patients, and others about HIE becomes more acute.
Strategy	Promote HIE to providers, patients, and others
Current Ongoing Programs and Activities	• Communications and marketing – Continue the development and implementation of marketing and communications strategies for HIETexas in support of increased awareness of local HIEs and HIETexas, and increased use of local HIEs. • Provider adoption – Continue to identify strategies to address barriers to participation and encourage health care providers to use HIE and share data. • Patient engagement – Continue to educate and engage patients.
New Proposed	• Personal Health Records – Develop and implement a strategy for connecting personal health records to the state HIE infrastructure.

Programs and Activities	• Patient Portals – Promote the use of patient portals by providers and payers. • Blue Button – Encourage organizations that collect and manage health information to make that information available to patients via Blue Button.
Stakeholder Feedback	While TMA agrees with the new proposed programs and activities, barriers remain that inhibit the seamless sharing of patient information. Once physicians are able to share information with their patients, consulting physicians, and other parties as directed by the patient, then physicians will be better equipped to promote the many benefits of HIE participation to patients. In order to best promote a service, physicians should be able to use the service themselves for the enhancement of patient care. TMA recommends that THSA and local HIEs work with ambulatory vendors to assess whether economies of scale can be achieved when connecting small and solo physician practices.

Goal 5	Support Contingency Planning
Strategic Domain	Contingency
Context	Negative events occur within all complex systems, and the Texas health care sector and HIE infrastructure are no exception. HIE could potentially be part of the response to negative events occurring in the state such as natural disasters. Likewise, negative events could potentially befall the Texas HIE infrastructure, requiring contingency plans to deal with negative events affecting the HIE infrastructure.
Strategy	Develop contingency plans.

Current Ongoing Programs and Activities	• Technical contingency planning – Continue to manage the disaster response technical fail-over plan. • Financial contingency planning – Continue to hold adequate cyber-liability and other insurance coverage.
New Proposed Programs and Activities	• Disaster response – Develop operational plan for leveraging HIE for disaster response. • HIE fail-over – Develop plan for responding to HIE failure that includes protection and stewardship of patient data, and provision of HIE services to disconnected providers.
Stakeholder Feedback	TMA supports the proposed programs and activities regarding disaster response and HIE fail-over. TMA recommends that THSA participate in a Gulf-state consortium for disaster preparedness.