



## ***Policy Committee***

### **Mission**

To assist in the development of New York’s health information technology network known as the “SHIN-NY”, through serving in an advisory role to the NYS Department of Health (NYS DOH) and the New York eHealth Collaborative (NYeC); such role is comprised of providing input to and participating with NYS DOH and the NYeC Board regarding the (a) Statewide Policy Guidance (defined below), and (b) the impact of the network and data usage policies, including consent, disclosure and secondary uses of data, within the Statewide Policy Guidance on the Qualified Entities (QEs) that participate in the SHIN-NY.

### **Background**

In 2006, NYS DOH initiated its efforts to improve health care for all New Yorkers through Health IT, and the use of the State Health Information Network of New York (SHIN-NY). SHIN-NY set of agreements between NYS DOH, NYeC (as the designee of NYS DOH responsible for operating and maintaining the SHIN-NY), Qualified Entities, and QE Participants which have been put in place to ensure and promote the exchange of clinical information among authorized users for authorized purposes to improve the quality, coordination and efficiency of patient care, reduce medical errors and carry out public health and health oversight activities, while protecting privacy and security. Pursuant to such agreements, NYeC, Qualified Entities, including QE, and QE Participants agree to be bound by policy and technical requirements reflected in Statewide Policy Guidance that has been created through a Statewide Collaboration Process that includes the opportunity for input from all SHIN-NY stakeholders.

In connection with NYS DOH’s efforts on the SHIN-NY, NYS DOH established a public/private partnership with NYeC and the regional health information organizations (RHIOs) that will participate in the SHIN-NY as QEs. NYS DOH’s partnership with NYeC and the RHIOs led to the creation of the Statewide Policy Guidance, which is comprised of several elements, including without limitation:

- The “Privacy and Security Policies and Procedures for QEs and their Participants in New York State” (the “Policies and Procedures”);
- The “Oversight and Enforcement Policies for Qualified Entities” (the “Oversight and Enforcement Policies”);
- The “Qualified Entity (QE) Dial Tone Service Requirements” (the “Dial Tone Service Requirements”);
- The “Qualified Entity (QE) Member Facing Services Requirements” (the “Member Facing Services Requirements”); and
- The requirements to be established by NYeC and the NYS DOH, as such requirements may be changed by the NYS DOH through policy or regulation, for becoming certified as a “qualified health IT entity” (or such other term as may be adopted by NYS DOH through policy or regulation) (the “Organizational Characteristics”).

As the SHIN-NY continues to mature, the Statewide Policy Guidance will need to be amended from time to time to reflect the benefit of operational experience, new technology developments, changes in federal and state laws and policies and other considerations. The Policy Committee was formed as a committee of the NYeC Board to assist in this process.

### **Objectives**

The specific objectives of the SHIN-NY Policy Committee are to:

1. Periodically review statewide policies and agreements that govern participation in SHIN-NY;



2. Develop strategies and recommendations to promote compliance with the Statewide Policy Guidance and applicable law;
3. Make recommendations to ensure public input into and education with respect to the Statewide Policy Guidance;
4. Develop and recommend to NYS DOH and the NYeC Board policies which further adoption and usage of health information technology to improve the overall healthcare system in New York; and
5. Participate in joint meetings with the BOC as needed in order to align the activities of the Policy Committee and the BOC.

### **Membership**

Members of the SHIN-NY Policy Committee are selected through an Open Call for Nominations process initiated by the Nominating Committee of the NYeC Board. The SHIN-NY Policy Committee is intended to be representative of key NY State stakeholders and to be diverse in terms of geographic distribution of members, experience in policy and legislative areas, and at a minimum include the following representatives:

#### **Members**

- At least 2 attorneys with expertise in privacy and security issues,
- At least 2 QEs or Qualified Entities (as that term is defined in the Qualified Entity Participation Agreement) representatives with policy experience.
- At least 4 provider representatives (such as hospitals, primary care or other non-hospital providers), including at least 1 hospital, 1 primary care or other non-hospital provider
- At least 1 privacy and security officer

#### **Ex-Officio Members**

- 2 Members of the BOC who are in addition to the 2 QE representatives described above and who shall not have a vote on resolutions and recommendations from the Policy Committee to the NYeC Board
- At least 2 representatives from the NYS DOH who shall serve as ex-officio members and shall not have a vote on resolutions and recommendations from the Policy Committee to the NYeC Board

In the selection of Members, consideration shall also be given to representation from both upstate and downstate regions, and to Members with mental health experience.

The SHIN-NY Policy Committee is co-Chaired by a NYeC Board Member and a designated representative of the NYS DOH.

### **Roles and Responsibilities**

The Co-Chairs of the SHIN-NY Policy Committee will:

- Provide leadership and direction for the work of the Policy Committee.
- Convene and facilitate regularly scheduled conference call meetings and quarterly face-to-face meetings.
- Foster a decision making process that facilitates a full discussion of all views and builds toward consensus when possible.



- Establish and maintain, as may be determined by the Co-Chairs from time to time, sub groups to review and develop policy positions within the purview of the Policy Committee.
- Refer all recommendations to the NYeC Board for discussion and thereafter to the NYS DOH for consideration and approval.
- Provide the NYeC Board with regular updates of the activities of the Policy Committee.

The Members of the SHIN-NY Policy Committee will:

- Actively participate in regularly scheduled conference call meetings and quarterly face-to-face meetings.
- Contribute knowledge and expertise that will further inform overall policy development and implementation.

The Policy Committee shall seek input from experts or other external advisors and establish subcommittees and workgroups as necessary to complete its work.

At the discretion of the Board of Directors, the Co-Chairs of the SHIN-NY Policy Committee may recruit additional ex-officio members to assist in the work of the Committee. Such ex-officio members shall not vote on issues before the Committee.

#### **Decision Making Process**

The Co-Chairs of the Policy Committee are charged with developing the rules by which the Policy Committee shall conduct its business. The Co-Chairs, based on input from members of the Policy Committee, shall establish the agenda for each meeting, including prioritization of key issues to be reviewed and discussed and a timetable for such review and discussion.

Where the Policy Committee reaches consensus on issues, the staff of the Policy Committee shall create summaries of applicable recommendations to be submitted to the BOC.

Where a consensus cannot be reached, the Co-Chairs shall ask Policy Committee members to vote on an issue and shall then direct staff of the Policy Committee to prepare a Decision Memorandum to be submitted to the BOC, which clearly records how members of the Policy Committee voted, provides a summary description of the discussion of the issue on which a consensus recommendation could not be reached, and provides a description of majority and minority positions.. The Decision Memorandum shall be reviewed by the Policy Committee before being distributed to the BOC.

When a vote is necessary on a recommendation to the NYeC Board, except as set forth above, Members shall have one vote each; provided, however, that each Member must have attended a majority of the meetings at which the subject matter of the vote was discussed in order to be eligible to vote. Subject to such minimum participation requirement, Members shall be entitled to vote in absentia. If a vote is to be taken at a meeting, the Co-Chairs shall provide to each Member notice of such vote in the agenda to be distributed prior to the meeting.

A recommendation will pass upon a vote in the affirmative of at least a majority of the votes cast. A quorum of half of the then-current Members of the Policy Committee must be in attendance for a vote to be officially recorded.

All Policy Committee recommendations will be considered by the BOC prior to consideration by the NYeC Board. The Policy Committee shall reconsider and may, in its sole discretion, revise its



recommendations based on comments received from the BOC. All Policy Committee recommendations will be considered by the NYeC Board and submitted to NYS DOH for its consideration and approval as part of the process related to the Statewide Policy Guidance. Submission by the NYeC Board to NYS DOH of Policy Committee recommendations is mandatory.

Where applicable, the Policy Committee shall also make recommendations to New York State with respect to issues that the Policy Committee believes should be subject to legislative or regulatory development. The Policy Committee shall request public comment on its recommendations and shall consider such public comment in making its final recommendations to the NYeC Board. The Policy Committee shall also respond to such public comments in writing and post such responses on the NYeC website.