

To: Members of the State Alliance for e-Health
From: Members of the Health Care Practice Taskforce
Re: Update on Taskforce Activities
Date: March 22, 2007

Below, please find an update of the Health Care Practice Taskforce's recent activities, as well as a list of work products and a work plan to be considered by the State Alliance for e-Health (State Alliance). Please note that taskforce members, Howard Burde and Dr. Holly Miller, will be presenting this information at the March 30, 2007 meeting of the State Alliance.

I. Recent Activities

As you know, the taskforce, made-up of representatives from state government and the private sector, will support the State Alliance on issues regarding the regulatory, legal, and professional standards that have an impact on the practice of medicine and create barriers to interoperable, electronic HIE. Please see Attachment A for a detailed list of taskforce members.

The taskforce held its first meeting on February 21-22, 2007 in Washington, DC. At the meeting, members heard from an array of health information technology (health IT) and professional medical organizations on issues of medical liability and licensure in relation to electronic HIE. Members also:

- Adopted the taskforce's charge,
- Discussed the taskforce's work products for 2007, and
- Identified numerous licensure and liability issues that could be considered by the taskforce, such as core credentials for licensure, limited license, medical boards' authority, jurisdiction of disciplinary actions, and barriers to medical malpractice insurance for multi-state practice.

As a follow-up to the February meeting, the taskforce conducted a conference call on March 16, 2006. During the conference call, members:

- Refined the work products for 2007,
- Identified specific aspects of licensure and liability that should be considered a priority by the taskforce, and
- Developed a work plan for 2007.

II. 2007 Work Products and Work Plan

The taskforce requests that the State Alliance consider the taskforce's work products and work plan for 2007.

Work Products: During the past two months, the taskforce refined and added to the work products as proposed by the State Alliance. Among many things, the taskforce decided that the work products should include a survey of states' definitions for practice of medicine and an analysis of the availability of and access to malpractice insurance coverage for e-health throughout states. These work products may be used as background information or guidance for the State Alliance members as they conduct their deliberations; or the taskforce may use them to develop policy statements, resolutions, or recommendations to advance to the State Alliance for consideration. Please see Attachment B for a listing of the work products.

Work Plan: During the March 16, 2007 conference call, the taskforce identified aspects of licensure and liability issues that should be considered a priority by the taskforce. The taskforce

also decided to examine the Clinical Laboratory Improvement Amendments (CLIA) in further detail.

The taskforce decided to examine the following questions in the upcoming months, with licensure ranking as a top priority:

- Licensure: What are the benefits and challenges surrounding various compact models and licensure schemes and how can they be applied to e-health activities? What are states' credential requirements for physicians, pharmacists, and nursing professionals, and should there be a nationwide set of core credentials for these professions?
- CLIA: How does CLIA hinder electronic, health information exchange and what are some possible solutions?
- Liability: What do we know regarding physician's liability in electronic, health information exchange, and how should that information be relayed to health care providers?

The taskforce's work plan for 2007 includes a timeline and milestones for examining these questions and developing the work products. All taskforce activities will aid in the development of policy statements, resolutions, or recommendations for referral to the State Alliance. Taskforce products will be developed based on the following criteria:

- Will not establish barriers to the practice of medicine,
- Will not create an excessive burden on health care providers,
- Will ensure the protection of the public, and
- Will promote the adoption by all health care constituents (e.g. clinicians, healthcare consumers, payers, employers, pharmacy) of healthcare technologies that enhance care safety, quality, and efficiency.

Therefore, the taskforce will make every effort to incorporate a variety of viewpoints and opinions during all deliberations. The taskforce will add to the work plan throughout the year. Please see Attachment C for the taskforce's work plan for 2007.

III. Next Steps

The taskforce requests that the State Alliance consider the taskforce's work products and work plan for 2007, providing feedback and revisions where necessary.

To ensure that all areas of health care and information technology expertise are adequately represented on the taskforce, the taskforce is seeking additional members from the following areas:

- Health plan,
- State Board of Pharmacy, and
- Office of a State Insurance Commissioner.

The taskforce hopes to secure additional membership by the taskforce's April meeting.

The next meeting of the Health Care Practice Taskforce will be held on April 26th- 27th at the Hyatt Regency Hotel in Crystal City, Virginia.