



BOARD OF DIRECTORS' MEETING

July 19, 2023

7:30 AM

Microsoft Teams

Draft Meeting Minutes

Directors, Officers and Trustees: Wouter Rietsema, MD – University of Vermont – Champlain Valley Physicians Hospital (Chair), Joan Hayner (Treasurer), Brian O’Grady – CDPHP (Secretary), David Shippee - Whitney M. Young, Jr. Health Centers (Vice Chair), Julie Bazzell – Hometown Health Centers, Jeremiah Benoit, MD – Highmark Western and Northeastern NY, Patty Fusco – Fusco Personnel, Inc., Kevin Gallagher – Hudson Headwaters Health Network, Tracy Pitcher – St. Paul’s Center, Pat Roohan – MVP, Charles Welge – Albany County Department of Health

Invited Members of the Public: Howie Architzel – Broadview Federal Credit Union, Michelle Blanchard – Four Winds Saratoga, Mackenzie Boushie – Adirondack Medical Center, Craig Dreher – Community Cares Physicians, Peter Gilhooly – St. Mary’s Amsterdam, Scott Guisinger – Price Chopper Supermarkets, Susan Huntington – Adirondack Medical Center, Lyndsay Macagg – Community Health Center of the North Country, Justin Miller – University of Vermont Medical Center, Scott Momrow – MVP Heath Care

Trustee Emeritus: Paul Macielak

Hixny Staff: Mark McKinney – CEO, Bryan Cudmore – Vice President, Account Management, Debra Hamway – Vice President, Finance, Taiymoor Naqi – Chief Compliance Officer & Vice President, Privacy & Security

Meeting Guest(s): Karen Sosler, Esq. – Rivkin Radler LLP

Meeting Commenced: 7: 32 AM

I. Welcome & Chairperson Remarks

Dr. Rietsema welcomed all to the meeting and commented that we’ve had enough rain this summer and the smoke from the Canadian wildfires is back.

II. Adopt Minutes from May 17, 2023 Board Meeting

A motion to approve the March 15, 2023 Board Meeting minutes was made by Brian O’Grady and seconded by Charles Welge. With no further comments, no opposition, and no abstentions, the motion was unanimously approved.

III. Public Meeting – SHIN-NY Update

SHIN-NY Outage:

Taiymoor reported on a recent outage that NYeC experienced from the 10th of July through the 14th at their primary data center in New Jersey.

- The outage was caused by a fire that led to the power being cut and power couldn’t be restored until the Fire Marshall reviewed and approved specific remediation activities.
- Healthix, the QE in New York City, uses the same data center and was also impacted.
- Both NYeC & Healthix have secondary data centers located in Dallas, Texas.
- It is typical to have a secondary data center serve as a disaster recovery site.
- NYeC did not do a cutover to their secondary data center and instead chose to wait for the “all clear” from the Fire Marshall and restart their primary data center.
- As of July 14th, NYeC had an estimated cumulative year-to-date downtime of 3,793 minutes.



- In contrast Hixny has had a total of 119 minutes year-to-date.
- Annual SHIN-NY targets for QEs permit no more than 2,828 minutes per year. Failure to reach this limit results in lost funding to the QE.
- NYeC is not expected to follow the same requirements.
- Hixny estimates that during the outage, more than 20,000 documents were not delivered (lab & radiology results, etc.) to providers in our region due to unavailability of cross QE alerts and SHIN-NY Statewide Patient Record Lookup (sPRL) services.
- Healthix id access their secondary data center and was back up in a faster than NYeC.
- NYeC did note that they were in the process of getting rid of the secondary data center and would be replacing it with cloud services. No communication has been sent to the QEs about this infrastructure change. QEs must notify NYeC and DOH if making any infrastructure changes.
- QEs are wondering why NYeC is held to a completely different standard.
- QEs have expressed their disappointment and dissatisfaction to NYeC along with concerns on how this impacts the shared services plan being proposed.
- NYeC experienced an sPRL (state patient record look up) outage yesterday and QEs weren't notified until after the outage was resolved. QEs should be informed of this information to know when to manually re-trigger cross QE alerts.

The board discussed sending a collective letter/email from the QEs and their respective boards outlining concerns raised from both issues to the NYeC board with a carbon copy to DOH.

SHIN-NY Data Lake

Mark provided the following update on the status of the SHIN-NY data lake:

- The data lake is currently being built to support public health reporting and the 1115 Medicaid waiver.
- NYeC will maintain, store and access PHI and health related social needs data from the QEs for the following purposes:
 - To perform statewide analytics related to the SHIN-NY for public health and Medicaid purposes. These purposes must be approved in advance by the QE.
 - To update and maintain the statewide master patient index and patient record lookup.
 - Quality assurance on the data submitted
 - Maintain and store patient PHI
 - Provide other services approved in advance by a QE

NYeC Agreements

Hixny counsel, Karen Sosler, of Rivkin Radler gave an overview of the Data Use and Contribution Agreement (DUCA).

- The agreement outlines how the data lake will be structured and what each party's rights are.
- A data use approval process will be established, and each QE will approve the use of the data prior to its use.
- All QEs must sign the DUCA as a condition of continued funding and participation in SHIN-NY activities.
- Conditions outlined in the agreement include:
 - NYeC will maintain and operate the data lake for the benefit of the SHIN-NY and its participants
 - A QEs authority to provide participant data is limited to the rights outlined in each participant agreement



- All data types requested must be approved by a QE through a data use approval process
- NYeC cannot disclose QEs confidential information without a QEs prior approval
- A QE is not obligated to contribute data if the participant has instructed them not to
- NYeC may deidentify data in accordance with applicable law and may not sell or market the data
- NYeC will apply minimum necessary standards to any data requests
- If an approved request is revoked, NYeC may not use or disclose QE data and will return or destroy data as it applies
- QE may terminate the DUCA without cause with 90 days' notice
- NYeC will make commercially reasonable efforts to cause its agents and subcontractors to comply with applicable laws and will indemnify a QE for any third-party claims arising from such failures and will be liable for damages
- DOH is not a third-party beneficiary of the agreement
- Initial use cases automatically approved on execution include:
 - Medicaid program health-related social needs screenings for 1115 waiver
 - Tracking hospitalizations for respiratory illnesses needed for public health purposes
- NYeC plans to use commercially reasonable standards to cause their agents, subcontractors and SHIN-NY vendors to comply with the laws, indemnify a QE for any third-party claims, and they in turn will be liable for any damages caused by their subcontractors.
- The agreement does contain a provision for a QE to audit NYeC records with respect to the data lake.

A motion to adjourn the public session was made by Brian O'Grady.

Public Meeting Adjourned: 8:23 AM

Respectfully Submitted by:

**Linda Mensching-Quinn
Human Resource & Board Relations Administrator**

NEXT MEETING DATE: September 20, 2023 at 7:30 AM