

## West Virginia Health Information Network (WVHIN)

### Brief History

1. WVHIN (pronounced “WIN”) was created by legislation signed into law by Governor Joe Manchin in 2006.
2. The purpose of the WVHIN is to “promote the design, implementation, operation and maintenance of a fully interoperable statewide network to facilitate public and private use of health care information in the state while ensuring the privacy and security of patient health care information.”
  - a. Created by Senate Bill 170
  - b. Article 29G of West Virginia Law
    - i. “The network is envisioned to support and facilitate the following types of electronic transactions or activities:
      1. Automatic drug-drug interaction and allergy alerts;
      2. Automatic preventive medicine alerts;
      3. Electronic access to the results of laboratory, X ray, or other diagnostic examinations;
      4. Disease management;
      5. Disease surveillance and reporting;
      6. Educational offerings for health care providers;
      7. Health alert system and other applications related to homeland security;
      8. Links to evidence-based medical practice;
      9. Links to patient educational materials;
      10. Medical record information transfer to other providers with the patient’s consent;
      11. Physician order entry;
      12. Prescription drug tracking;
      13. Registries for vital statistics, cancer, case management, immunizations and other public health registries;
      14. Secured electronic consultations between providers and patients;
      15. A single-source insurance credentialing system for health care providers;
      16. Electronic health care claims submission and processing; and
      17. Any other electronic transactions or activities as determined by legislative rules promulgated pursuant to this article
3. WVHIN is organized as a “public-private partnership.”
  - a. The WVHIN is created under the Health Care Authority for administrative, personnel and technical support purposes.
    - i. Frees WVHIN from some state procurement and hiring restrictions

- b. 17 member Board of Directors
    - i. 12 members appointed legislatively by role
    - ii. 5 members appointed by the Governor
    - iii. Officers of the Board of Directors:
      - 1. Chairman, Julian Bailes, MD, Chairman of Neurosurgery, WVUSOM
      - 2. Secretary/Treasurer, Sonia Chambers, Chair of the WV Health Care Authority
      - 3. Vice-Chairman, J. Fred Earley, Mountain State BCBS
    - iv. Board members from:
      - 1. Dean of the WVU School of Medicine
      - 2. President of the WV School of Osteopathic Medicine
      - 3. Director of the WV Public Employees Insurance Agency
      - 4. President of the WV State Medical Association
      - 5. Secretary of the WV Department of Health and Human Resources
      - 6. President of the WV Board of Pharmacy
      - 7. President of the WV Hospital Association
      - 8. Dean of the Marshall University School of Medicine
      - 9. Executive Director of the WV Primary Care Association
      - 10. CEO of the WV Health Care Association
      - 11. Chief Technology Officer of the WV Office of Technology (State CIO)
      - 12. Five public members that serve at the will and pleasure of the Governor
        - a. One member with legal expertise in health information exchange
        - b. Two physicians actively practicing medicine in WV
        - c. One member actively involved in the business of health insurance
        - d. CEO of the West Virginia Medical Institute (the QIO for WV)
    - v. Executive Director
      - 1. Sally Hunt Milam, Chief Privacy Officer, WV Executive Branch
4. Powers and Duties
- a. Develop a community-based health information network
    - i. Promote more efficient and effective communications among all organizations in the health care industry in WV, including hospitals, pharmacies, physicians' offices, health insurers, medical laboratories, imaging centers, etc.
    - ii. Create efficiencies by eliminating redundancy in data capture and storage of health care information
    - iii. Reduce administrative, bill and data collection costs
    - iv. Create ability to monitor community health status
    - v. Provide reliable information to health care consumers and purchasers about the quality and cost-effectiveness of health care, health plans and health care providers.
    - vi. Can make and enter into contracts to perform its duties

- vii. Hold or dispose of real and personal property
  - viii. Receive and dispense funds appropriated by the Legislature
  - ix. Represent the state with respect to national health information network initiatives;
- 5. State Treasury has special revenue account known as the WVHIN Account
- 6. The WV Health Care Authority is authorized to expend funds from its Health Care Cost Review Fund to support the administrative, personnel and technical needs of WVHIN
- 7. Immunity from suit; limitation of liability
  - a. “No person who participates or subscribes to the services or information provided by the network is liable in any action for damages or costs of any nature, in law or equity, which result solely from that person’s use or failure to use network information or data that was imputed or retrieved in accordance with the Health Insurance Portability and Accountability Act of 1996 ... no person is subject to antitrust or unfair competition liability based on membership or participation in the network, which provides an essential government function for the public health and safety and enjoys state action immunity.”
- 8. Property Rights
  - a. “All persons providing information and data to the network shall retain property rights in that information or data, but grant to the other participants or subscribers a nonexclusive license to retrieve and use that information or data in accordance with the HIPAA of 1996 and any amendments and regulations under the act, state confidentiality laws and the rules proposed by the Health Care Authority.”
- 9. Legislative rule-making authority
  - a. The Health Care Authority is hereby authorized to propose rules under and pursuant to article twenty-nine b of this chapter to carry out the objectives of this article
  - b. To resolve disputes under this article or the rules proposed herein among participants, subscribers or the public, the Health Care Authority is hereby authorized to conduct hearings and render decisions ...
- 10. Accomplishments
  - a. Participated in NHIN I contract with Accenture to build a successful prototype of the Nationwide Health Information Network (2007)
  - b. Participated in a NHIN II contract with Accenture to connect successfully the WVHIN to ten other regional health information networks in the USA (2008).
- 11. Challenges
  - a. WV state legislature has funded WVHIN only with several million dollars.
  - b. WVHIN Board of Directors is waiting for stimulus funding from the federal government to implement development of WVHIN beyond its prototype defined by the NHIN I and NHIN II contracts.