

TEXAS HEALTH SERVICES AUTHORITY

THSA



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ANNUAL REPORT

2019

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## Introduction and Background

The Texas Health Services Authority (“the Authority”), as detailed in Chapter 182 of the Texas Health & Safety Code, is a public-private partnership created by the Texas Legislature in 2007 to promote, implement, and facilitate the voluntary and secure electronic exchange of health information in Texas.<sup>1</sup> A 12-member Board of Directors appointed by the Governor of Texas, with the advice and consent of the Texas Senate, governs the Authority.<sup>2</sup>

In 2009, the U.S. Department of Health and Human Services announced the State Health Information Exchange (HIE) Cooperative Agreement Program, which was authorized under the Health Information Technology for Economic and Clinical Health (HITECH) Act, to fund state planning and implementation of electronic health information networks to support higher quality, safer, and more efficient health care. The program first required states to develop strategic and operational plans to guide the establishment and operation of electronic health information networks. States were then eligible for implementation funding following the development of strategic and operational plans.

The Texas Health and Human Services Commission (HHSC) submitted an application to the Office of the National Coordinator for Health Information Technology (ONC) for funding under the State HIE Cooperative Agreement Program. Under the application, the Authority was identified as the state-level entity responsible for implementing HIE in Texas, as referenced in Chapter 182 of the Texas Health & Safety Code. Following approval of the application in 2010, HHSC formally partnered with the Authority to complete development of the State HIE Plan to address several key issues, including governance, finance, technical infrastructure, business operations, privacy, and cybersecurity.

In 2011, the Texas Legislature, via House Bill 300 (2011, 82R), directed the Authority to establish a process by which a “covered entity,” as defined by the Texas Medical Records Privacy Act, may apply for certification of their past compliance with state and federal privacy and security standards.<sup>3</sup> Today this program is known as “SECURETexas: Health Information Privacy and Security Certification.”<sup>4</sup>

In 2013, the Authority developed “HIETexas,” a shared services platform for statewide health information exchange. HIETexas was built to support statewide HIE connectivity, as well as HIE-to-state health data resources connectivity, and connectivity to the national eHealth Exchange, as well as other national networks and frameworks, such as CommonWell and Carequality.

In 2014, the State HIE Cooperative Agreement Program came to an end. That same year, Texas HHSC developed a Medicaid Implementation Advanced Planning Document (IAPD) to submit to The Centers for Medicare and Medicaid Services (CMS) “to continue implementation of the State’s HIE Plan developed under the State’s HIE Cooperative Agreement Program.” These IAPD funds are available to states for HIT and HIE projects through 2021.

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<sup>1</sup> Section 182.108(d), Health & Safety Code

<sup>2</sup> Section 182.108(c), Health & Safety Code

<sup>3</sup> [www.THSA.org/privacy-security-certification/securetexas-standards/](http://www.THSA.org/privacy-security-certification/securetexas-standards/)

<sup>4</sup> *Id.*

In early 2015, THSA went through the Texas Sunset review process, which led to the passage of Texas Senate Bill 203 (2015, 84R), and removed government oversight of the Authority beginning September 1, 2021, which aligned with the availability of federal IAPD funding. During that six-year period, the Authority was to maintain responsibility for statewide health information exchange under Chapter 182, Health & Safety Code.

In October 2015, CMS formally approved Texas's submission of the HIE IAPD for a two-year period. This IAPD would provide approximately \$4 million in federal match funding, mostly at a 90:10 rate, to (1) connect Medicaid providers to local HIEs, (2) connect local HIEs to the Authority's HIETexas, and (3) provide emergency department encounter notifications as part of the HIETexas state-level shared services.

In 2019, the Texas Legislature and Governor Greg Abbott approved House Bill 3304 (2019, 86R) which repealed expiration provisions relating to the Authority from Senate Bill 203 (2015, 84R). The bill places the Authority under sunset review with an expiration of September 1, 2027, unless continued under the Texas Sunset Act.

In May 2019, the Authority partnered with HHSC to provide HIE infrastructure for improved HIE connectivity, and an event notification system that supports care coordination use cases by providing a statewide platform to notify authorized healthcare entities of their patients' arrival at an emergency department. These use cases will help Texas Medicaid reduce utilization and hospital readmissions by enabling better follow-up care.

In October 2019, CMS formally approved Texas's submission of the HIE IAPD for another two-year period, expiring in September 2021. This IAPD will build on previous IAPDs, and will provide guidance for the Authority's partnership with HHSC over the next biennium.

The Authority's board of directors conducted four public hearings in 2019 to discuss administrative business. The board plans to conduct multiple hearings in 2020 to hear public testimony regarding (1) the state privacy and cybersecurity in Texas, and (2) the state of interoperability in Texas.

## New Board Members

On April 3, 2019 Governor Greg Abbott appointed 12 new members to the Texas Health Services Authority (“the Authority”) Board of Directors. Two members, Shannon Calhoun and Paula Anthony-McMann received reappointment. Ms. Calhoun received a new appointment as Board Chair of the Authority. The following chart provides the name and a brief description of each member:

Board Member	Title, Organization
<b>Shannon Calhoun,</b> <i>Chair</i>	Independent Healthcare Consultant Goliad, Texas
<b>Emily Hartmann,</b> <i>Vice Chair</i>	Executive Director, PHIX (formerly Paso del Norte HIE) El Paso, Texas
<b>Jonathan Sandstrom Hill,</b> <i>Treasurer</i>	General Counsel, Capital Commercial Investments Austin, Texas
<b>Paula Anthony-McMann,</b> <i>Secretary</i>	Chief Strategy Officer, UT Health East Texas Tyler, Texas
<b>Victoria Ai Linh Bryant</b>	Pharmacist and Founder, Ambassador Caregivers LLC Houston, Texas
<b>Lourdes Cuellar</b>	Retired, former administrative director of pharmacy at TIRR Memorial Hermann Houston, Texas
<b>Salil Deshpande</b>	Chief Medical Officer, UnitedHealthcare Houston, Texas
<b>Kenneth James</b>	Vice President of Operations, Superior Health Plan Volente, Texas
<b>Jerome Lisk</b>	Director of Movement Disorders at the Neurological Institute at Christus Trinity Mother Francis Hospital Tyler, Texas
<b>Leticia Rodriguez</b>	CEO, Ward Memorial Hospital

Monahans, Texas

**Siobhan Shahan**

Area Supervisor, ResCare Inc.  
Lubbock, Texas

**Carlos Vital**

President and CEO, Vital Allergy & Asthma Center  
Friendswood, Texas

**Calvin Green**

*Ex-officio*

Deputy Executive Commissioner of Performance, Texas Health  
& Human Services Commission  
Elgin, Texas

**Jeffrey Hoogheem**

*Ex-Officio*

Director of Health Emergency Preparedness and Response,  
Texas Department of State Health Services  
Austin, Texas

## **2019 Activities**

The Texas Health Services Authority (“the Authority”) is building a statewide network that facilitates exchange among healthcare stakeholders statewide, called “HIETexas,” to ensure a patient’s health information follows them regardless of where they receive treatment or where the information is stored.

HIETexas enables secure electronic exchange of patient data in near real time, which improves health outcomes, saves lives and reduces costs. At the heart of HIETexas is a strong security framework that protects patient data and ensures that patient preferences and privacy are respected. Through partnership with HHSC, the Authority has begun the build out of an HIE network to support the health care system in the state and improve patient safety and quality of care.

### **New Partnership with HHSC**

The Centers for Medicare and Medicaid Services (CMS) approved the Texas Medicaid Health Information Exchange (HIE) Implementation Advanced Planning Document (IAPD), in follow up to Texas’s State HIE Plan developed under the State HIE Cooperative Agreement Program. CMS also approved a new IAPD on October 1, 2019. The Authority is working with Texas Medicaid to implement the IAPD as soon as possible. The Authority and HHSC signed a contract relating to this IAPD on May 15, 2019. The IAPD includes three strategies:

#### **Strategy 1: Medicaid Provider HIE Connectivity**

This strategy will help Medicaid providers and hospitals connect to HHSC-approved local HIE organizations. These connections will facilitate electronic reporting and data exchange between providers and Texas Medicaid via HIETexas. Selected local HIE organizations must demonstrate technical readiness to establish connectivity capable of secure information exchange and exchange of messages including HL7 Consolidated Clinical Document Architecture (C-CDA) Transition of Care (ToC) Documents, and Admission, Discharge, Transfer (ADT) data. Selected local HIE organizations will require utilization of the Authority’s HIETexas to transmit C-CDA ToC Summaries to Medicaid from provider EHRs connected by this strategy.

#### **Strategy 2: HIE Infrastructure**

This strategy includes enhancing the state’s HIE infrastructure to support connectivity with the state’s Medicaid system and assisting local HIEs in implementing connections to HIETexas. This funding will help alleviate a financial barrier to local HIEs’ participation in the statewide network. Connections implemented under this strategy must support the delivery of data from local HIEs participating in Strategy 1 and seeking to forward this data to Medicaid via HIETexas.

#### **Strategy 3: Emergency Department Encounter Notifications (EDEN)**

EDEN’s method of implementation and governance will benefit the entire healthcare community. This strategy supports care coordination use cases by providing a statewide platform to notify

authorized healthcare entities of their patients' arrival at an emergency department (ED). These use cases will help Texas Medicaid reduce ED utilization and hospital readmissions by enabling better follow-up care. The electronic receipt of data from hospital EDs and the publishing of alerts to Medicaid Managed Care Organizations (MCOs), Dental Maintenance Organizations (DMOs), Texas Medicaid and local HIE partners accomplishes this objective.

### **Patient Unified Lookup System for Emergencies (PULSE)**

The Authority was originally created in response to the aftermath of Hurricane Katrina in 2006, when individuals receiving healthcare in shelters could not ascertain their medication histories to better inform care. Over a decade later, Hurricane Harvey reinforced the need for statewide HIE to support care for individuals displaced from their homes by allowing their health information to follow them wherever they go, including shelter locations.

PULSE is a web application that uses a standard browser on a tablet or laptop to securely obtain medical information for patients evacuated to temporary shelter locations such as a stadium, school or church. This allows an authorized emergency services registered volunteer the ability to determine a patient's medical history from connected organizations, providing current medications, allergies and recent laboratory results.

The concept of PULSE can be traced to 2014 when the federal Office of the National Coordinator for Health Information Technology (ONC) published a report entitled HIE Services in Support of Disaster Preparedness and Emergency Medical Response.<sup>5</sup> The next year, the federal government funded a project to define the primary use case and an initial architecture design for PULSE. ONC also published a report entitled Patient Unified Lookup System for Emergencies.<sup>6</sup>

In July 2017, PULSE went live and was ready for use. That same year, ONC contracted with the Sequoia Project to develop the PULSE governance model. Subsequently, Sequoia Project assumed ownership of the PULSE initiative and facilitates a monthly PULSE Advisory Council composed of a panel of broad industry stakeholders.

The Authority continues to work with HHSC, the Texas Division of Emergency Management and the Texas Department of State Health Services to implement the PULSE system in Texas.

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<sup>5</sup> [www.healthit.gov/sites/default/files/hiefordisasterresponse\\_final\\_04232014.pdf](http://www.healthit.gov/sites/default/files/hiefordisasterresponse_final_04232014.pdf)

<sup>6</sup> [www.healthit.gov/sites/default/files/providers/PULSE\\_Report4-9-15.pdf](http://www.healthit.gov/sites/default/files/providers/PULSE_Report4-9-15.pdf)

## **Progress Since 2018 Report**

In the 2018 annual report, the Authority noted recommendations received from stakeholders during its public hearings on (1) the state of privacy and cybersecurity, and (2) the state of interoperability. An update follows each recommendation.

### **Issue 1A- Health Information Exchange Services in Texas**

**Recommendation 1:** The Sunset Advisory Commission and Texas Legislature should review the agency to evaluate the need for, the performance of and improvements to the Authority, and improve future HIE and HIT federal funding opportunities at the state and local level.

**Update:** The Texas Legislature passed and Governor Greg Abbott signed House Bill 3304 (2019, 86R), which extended the statute authorizing the Authority as a public-private partnership through 2027 subject to review by the Sunset Advisory Commission.

**Recommendation 2:** Clarify in statute where state health agencies should collaborate with the Authority for health information exchange initiatives.

**Update:** This was considered as part of passage of House Bill 3304 (2019, 86R). Continuation of the Authority's governmental status will better allow the Authority to work with other state health agencies through at least 2027 when the Authority goes through the Sunset Review process again.

### **Issue 1B- Health Information Exchange (HIE) and Prescription Drug Monitoring Program (PDMP) Connectivity**

**Recommendation 1:** Include the Authority in efforts to improve and monitor development and integration of the state prescription drug monitoring program to determine use cases for integration with health information exchange.

**Update:** Passage of House Bill 3304 (2019, 86R) will allow the Authority to be included in these activities as a governmental entity beyond its original 2021 Sunset date. The Authority will continue to monitor these activities for inclusion in potential use cases moving forward.

**Recommendation 2:** Texas Medicaid should work to implement health IT strategies to utilize the 90:10 funding available from CMS to connect PDMP, EHR and HIE technology.

**Update:** Texas Medicaid included reference to the state PDMP in its draft State Health IT Strategic Plan, which will likely become final in early 2020. The Authority will continue to monitor these activities for inclusion in potential use cases moving forward.

## **Issue 1C- Utilizing Statewide HIE for Disaster Response**

**Recommendation 1:** The Authority's enabling statute, Chapter 182, Health & Safety Code, should be amended to include specific authority to coordinate health information exchange efforts during natural disasters in partnership with other appropriate local and state entities.

**Update:** There are no significant updates available regarding this recommendation. However, it has since been determined that this level of specificity is not required for the Authority to implement the PULSE system.

**Recommendation 2:** Texas should continue to pursue 90:10 IAPD matching funds from CMS for the Authority to implement PULSE in partnership with public and private entities.

**Update:** More updates will be provided on this recommendation in 2020. For more information on PULSE, please see [www.thsa.org/pulse](http://www.thsa.org/pulse).

## **Issue 2 - Privacy and Security Certification**

**Recommendation 1:** Continue to enhance SECURETexas Certification through the inclusion of cybersecurity provisions in the certification standards.

**Update:** The Authority does not possess the regulatory authority to amend the SECURETexas standards unilaterally. However, HHSC does have this authority pursuant to Section 182.108, Health and Safety Code. The Authority will work with HHSC to address the inclusion of these cybersecurity safeguards moving forward.

## **Analysis and Conclusion**

The Texas Health Services Authority (“the Authority”) made significant progress in the past year to improve health information exchange (HIE) in Texas. Through partnerships established this year with the Texas Health and Human Services Commission (HHSC) and developing relationships with local HIEs, Medicaid Managed Care Organizations (MCOs), hospitals, health care providers and other state agencies, the Authority will have even more good news to report next year.