



6112 Exchange Street
McFarland, WI 53558
August 30, 2010

The Honorable James E. Doyle
Governor, State of Wisconsin
P.O. Box 7863
Madison, WI 53707

Dear Governor Doyle:

It is of the utmost urgency that the Office of the Governor immediately assume administrative control of the Bureau of Aging and Disability Resources (BADR) in the Department of Health Services (DHS) and move toward creating a Department of Aging. A Secretary of Aging is needed in order to bring aging and long-term support administrative operations under the rule of law.

BADR, in association with the Greater Wisconsin Agency on Aging Resources (GWAAR), illegally operates an information system that co-mingles clinical and eligibility data of Medicaid - Home and Community Based Waivers (HCBW) program participants with clinical and eligibility data of Older American Act (OAA) program participants. The information system is web-based and hosted on servers outside (on the Internet side) of Wisconsin's firewalls. Two way connections between computers inside the State's firewalls and the host servers of the proprietary network bypass firewalls and create an electronic bridge between the two networks that circumvents security policies of both systems.

On August 20, 2010 I attended an open meeting of the WIRED for Health Board that you (Governor Doyle) created in December 2009 to respond to an initiative included in the American Recovery and Reinvestment Act of 2009 (ARRA) to develop and implement a plan for statewide health information exchange (HIE). The Board discussed and approved a strategic and operational plan which was submitted to the Office of the National Coordinator (ONC) on August 27, 2010. That plan is fatally flawed in that it does not recognize the illegal health information exchange (HIE) activities of BADR and GWAAR.

Civil and criminal penalties for violations of privacy and security standards are clearly spelled out in the proposed modifications to the HIPAA Privacy, Security, and Enforcement Rules under the Health Information Technology for Economic and Clinical Health Act of 2009 (HITECH). It is particularly significant that business associates of covered entities are subject to the same security and privacy provisions and penalties as the covered entities.

During the public comment portion of the WIRED for Health Board meeting, I concluded my remarks by saying: "Because I believe that the Bureau of Aging and Disability Resources (BADR) and the Greater Wisconsin Area Agencies on Aging (GWAAR) are violating the privacy and security of my personal health information and that of other Older Americans Act participants, I intend to file a complaint with Wisconsin's Attorney General requesting that he intervene in his ARRA defined role as *parens patriae*."

As noted above in relation to business associates, ARRA, or the Stimulus Bill as it is popularly known, dramatically strengthened privacy regulations related to medical information. Under the

privacy provisions, the Attorneys General of the States, can, if they have reason to believe that an interest of one or more of the residents of the State has been or is threatened or adversely affected by a violation of a provision (of ARRA), as *parens patriae* (father of the people) may bring a civil action on behalf of such residents of the State in a district court of the United States of appropriate jurisdiction.

I sense that my comments relating to intervention by Wisconsin's Attorney General were perceived as partisan political rhetoric, but my comments were not politically partisan. Rather, they are concerns based upon undisputed facts documented on my web-site:

<http://www.metasteward.net> .

In anticipation of the difficulties facing the incoming administration, you (Governor Doyle) have ordered state agencies to develop budget plans by November 8, 2010 that would cut their core budgets by 10 percent. Because the potential for systemic fraud occurring over the Internet through faulty security provisions of BADR and GWAAR potentially could account for a significant portion of the billions of dollars in fraudulent payments, I request that you immediately suspend operations of the Bureau of Aging and Disability Resources (BADR) and its related business association operations with the Greater Wisconsin Area Agencies on Aging (GWAAR) and appoint a "special administrator" with responsibilities and the power of the Office of the Governor to begin to remediate the violations of trust of Wisconsin's most vulnerable citizens.

My personal suggestion for "special administrator" is Al Fish as dealing with this situation will be more difficult than unscrambling an omelet.

Sincerely,

A handwritten signature in cursive script that reads "Fred Buhr".

Fred Buhr