

Date: March 21, 2009

To: Kathleen Falk
Dane County Executive

Nancy Mistele
Candidate for County Executive

From: Fred Buhr
President & CEO
Metasteward LLC
and
Volunteer Data Entry Operator
McFarland Senior Outreach Program

Re: e-Health Information Technology Standards

I have been concerned, for over a year, that Dane County and the State of Wisconsin have been misusing materials developed (in the late 1980s) by the Nutrition Screening Initiative (NSI). That initiative was a project of the American Academy of Family Physicians (AAFP), The American Dietetic Association (ADA) and National Council on the Aging, Inc (NCOA). The initiative was funded in part by a grant from a division of Abbott Laboratories. To date, I have been unsuccessful in raising my concerns to the executive levels of either county or state governments.

On Monday, March 16, 2009, I submitted a verified complaint to the Dane County District Attorney requesting that the decision of the Legislative Committee of the Dane County Area Agency on Aging, made on December 17, 2008, be overturned on a technicality relating to an open meetings law violation. Because it will be months (if ever) before my concerns are treated as a public agenda item, I feel that it would be remiss on my part not to directly inform both of you of what, in my opinion, is a breathtakingly arrogant display by Dane County of openly flaunting state and federal laws and egregiously violating the constitutional rights to privacy of its most vulnerable citizens.

My company, Metasteward LLC participates (as a volunteer) via Webcasts, in sessions of the Health Information Technology Standards Panel (HITSP). That panel is working to provide context for national health agenda activities related to the interoperability of electronic health care records (EHRs). I am particularly interested in consumer preferences and the long term health care domains. To date, the national health agenda, including the activities of the American Health Information Community (AHIC) and HITSP, has not formally addressed all of the interoperability considerations for the communication of "Long Term Care - Assessments" information. As a priority for 2009, the AHIC specifically requested that HITSP address gaps in the electronic exchange of assessment information between electronic health records (EHRs) to support long term care needs, including transfers of care, and the ability to incorporate and use assessment information in EHRs for long term care.

Since, in my opinion, Dane County is misusing the NSI materials related to nutritional health assessments and inappropriately trading on the good names of companies that originally participated in the initiative, I requested that the Secretariat of the American National Standards Institute (ANSI) pass my concerns on to several HITSP participants among those listed on the February 20, 2009, panel meeting roster. I requested that my concern be passed on to:

AAFP	Mitchell, Jason
Deloitte	Martin, Ross
Electronic Data Systems	Weiker, Margaret
Epic Systems	Rausch, Kyle
ONC	Bean, Carol and Lafky, Deborah

Additionally, I asked that my message be passed on to Abbot Laboratories, a corporation that has stepped forward to help fund ANSI's current work on clinical research standards and electronic health records (EHRs). Abbot Laboratories is identified on the form (which in my opinion Dane County is using inappropriately) as funding the Nutrition Screening Initiative (NSI) through a grant from Ross Laboratories, one of its divisions.

A copy of my petition and recent letters that I have written on the subject can be found on my Web-site at: <http://www.metasteward.net/2009.htm>

Letters and materials from 2008 are located at: <http://www.metasteward.net/2008.htm>

The need for national health care reform and adoption of nation-wide electronic health care records (EHRs) is obvious. But, as I said earlier, it will be months, well after the next term of the county executive begins, that any action will be considered on my petition to overturn the decision as recorded in the December 17, 2008, Legislative Committee meeting minutes, below:

INTRODUCTION OF MEMBERS & GUESTS: Fred Buhr presented public comment. He distributed handouts regarding consumer participation at the Nutrition Program. He expressed a concern about the forms that are completed by the participants at the Nutrition Program. He claims that he has seen the whole system and has worked with the program since 2003. He feels that we have compromised privacy by participating in this program. He mentioned that he will be participating in a webcast that the state is doing regarding e-Health. Paul stated that he is not in favor of medical information in e-format, however he does not see a problem with the information gathered for the Nutrition Program. The Legislative Committee, after lengthy discussion, determined by consensus that no further action would be taken on these concerns.

A recent news article indicated that Dane County has the potential to become the "Silicon Valley" of electronic health care records. Given its nearly inestimable importance, I would ask that the next county executive urge the Dane County Board to permit informed discussion of e-Health and investigate (what in my opinion are) blatant violations of state and federal laws that are being committed by the Dane County Area Agency on Aging.

Rather than denying that problems exist, Dane County should participate on the Health Information Standards Panel (HITSP) and be one of the leaders in establishing nation-wide e-Health information standards. Participation is on a voluntary basis and meetings are accessible via the Internet.

I've posted the February 20, 2009, HITSP Panel Meeting Attendance roster for reference (along with this memo) on my Website. Not counting federal agencies, there are fewer than one hundred entities listed as participating in the February 20, 2009, meeting. The only state agency appears to be the Nebraska Department of Health and Human Services and there don't appear to be any county participants. Since full implementation of electronic health records (EHRs) is targeted for 2014, there is ample time for Dane County to sign up and participate as a leader among counties.

Thank you.