

From: "Fred Buhr, MSSW" <fredbuhr@metasteward.net>
To: <Jean.Lloyd@AoA.HHS.Gov>
Cc: <lhogle@healthprojectpartners.com>
Subject: Wisconsin's Social Assistance Management System(SAMS)
Date: Fri, 17 Dec 2010 16:38:47 -0600

December 17, 2010

Jean L. Lloyd, MS, RD
National Nutritionist
Administration on Aging
U.S. Department of Health & Human Services

Dear Ms. Lloyd:

I am a member of the U.S. Health Information Technology Standards Panel (HITSP) and have served on a number of panel workgroups including the Consumer Preferences Tiger Team (CP-TT). I currently am participating on the HL7 Personal Healthcare Records (PHR) workgroup and regularly participate in teleconferences and webcasts of several federal advisory committees (FACAs) including the Health Information Technology Policy Committee (HITPC) and the Health Information Technology Standards Committee (HITSC). I often offer comments via phone during the agenda period for public comments and also submit written comments to the Office of the National Coordinator (ONC) as opportunities arise.

Relative to the FACAs, I have often heard and also read comments from Lindsey Hogle, MS, RD, PMP consultant to the American Dietetic Association (ADA). Yesterday I requested her help in passing my concerns related to Wisconsin's nutrition programs to the ADA. I would like to share with you several paragraphs of my email to her:

"As I looked through the comments on "PHRs and Non-Covered Entities" I saw your entry on behalf of the American Dietetic Association. You may recall back in August of this year, I commented on your Nutrition Informatics Blog that the privacy and security of the management information system utilized by Wisconsin in the administration of the Older Americans Act programs was the worst in the nation.

The underlying cause is that the aging programs in Wisconsin operate in their own world under the assumption that because staff and administrators work hard and have the best of motivations, every administrative decision they make is the right one. The aging programs insulation from peer review and absence of oversight by any other administrative unit has resulted in a

total lack of understanding of nutrition informatics. Furthermore there is complete disregard of the privacy and security framework required by the Office of the National Coordinator (ONC) to assure trust of information sharing.

In August 2010, I wrote a letter to Governor Jim Doyle requesting that he appoint a "special administrator" to take administrative control of the Bureau of Aging and Disability Resources (BADR) in the Department of Health Services (DHS). I sent the letter as hardcopy only to him, without copies to anyone else. I had hoped to go around BADR but was unsuccessful as our Governor requested that the administrator of the division where BADR is housed respond to me on his behalf.

Susan Crowley, the administrator who answered my letter said, "If you wish to withdraw your record from the system, we would be happy to honor your request." Her response validates my concern that the aging programs are not following state and federal law. Wisconsin has the strongest laws in the nation relating to records and her offer to withdraw my record from the Social Assistance Management System (SAMS), besides being an insult to me, is in violation of Wisconsin's records laws. Because Wisconsin's state government will not take my concerns seriously, I would like to raise the issues directly with the American Dietetic Association."

Ms. Lloyd, I have been a volunteer data entry operator for the McFarland Senior Outreach program since August 2007. In January 2008, Wisconsin's nutrition/prevention specialist issued a directive that all nutrition programs would be required to use SAMS (the Social Assistance Management System) beginning in March 2008 to track client nutrition assessments from the DETERMINE form that was mandated to be used beginning in January 2008. Although the whole process clearly is operating outside HIPAA and other federal and state laws, the Department of Health Services (DHS) holds fast to the notion that the AoA has mandated that BADR contrive an amateurish system of user defined fields to satisfy federal reporting requirements.

The following pdf files (located on my website) follow the thread of my concerns beginning with my initial complaint through my open records request and finally my request to Governor Doyle and the response to me on his behalf:

<http://www.metasteward.net/FredBuhr013108.pdf>

<http://www.metasteward.net/AmyRamsey012908.pdf>

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

<http://www.metasteward.net/OpenRecordsRequest04212008.pdf>

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

<http://www.metasteward.net/BADR's%20Contract%20for%20SAMS.pdf>

<http://www.metasteward.net/BADRPrivacyStatement071508.pdf>

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

<http://www.metasteward.net/Doyle08302010.pdf>

<http://www.metasteward.net/Crowley09202010.pdf>

In addition to the DETERMINE fields, DHS has developed many other user defined fields, some of which are shown in the attached file:
SamsUserFields.pdf.

I am drawing this situation to your attention at this time because the ONC is about to approve Wisconsin's State Operational Plan (SOP) for health information exchange without addressing the problems related to the aging and long-term support programs. I believe the integrity of the entire nationwide health information exchange is compromised by Wisconsin's aging programs.

Sincerely,

Fred Buhr

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