

STATE OF COLORADO

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John W. Hickenlooper
Governor

B 2015-008

EXECUTIVE ORDER

Creating the Office of eHealth Innovation and the eHealth Commission

Pursuant to the authority vested in the Governor of the State of Colorado and, in particular, pursuant to Article IV, Section 2 of the Colorado Constitution, I, John W. Hickenlooper, Governor of the State of Colorado, hereby issue this Executive Order creating the Office of eHealth Innovation and the eHealth Innovation Advisory Commission, and rescinding Executive Order 008-09.

I. Background, Need, and Purpose

Health information technology ("Health IT") is revolutionizing health care in Colorado. Health IT enables patients to access their medical records electronically and allows health care providers to more effectively communicate regarding a patient's medical care. The adoption and meaningful use of Health IT and collaboration among communities and across the health care industry, has helped develop key technical services, and strengthen the quality and value of health care in the state.

Colorado is uniquely positioned to achieve significant advances in Health IT and support transformational health programs throughout the state. Already, Colorado has successfully connected dozens of hospitals, thousands of providers, and millions of patients, allowing them to exchange patient information, coordinate care, and improve patient health. With that foundation, the state is positioned to combine clinical information with other health-related information and enhance diagnostic and treatment capabilities thereby further improving the quality of care our citizens receive.

To promote the expanded use of Health IT in Colorado, the state will:

1. Establish an open and transparent statewide collaborative effort to develop common policies, procedures, and technical approaches that will enhance the state's Health IT network;
2. Promote and advance data sharing by reducing or removing barriers to effective information sharing;
3. Support health innovation and transformation by enhancing Colorado's health information infrastructure; and
4. Improve health in Colorado by promoting the meaningful use of Health IT.

The next phase of effectively leveraging Health IT resources from the public and private sectors will require a new coordinated effort that facilitates the development of best practices and innovative approaches that improve patient health.

II. Directives and Declarations

A. Creation of The Office of eHealth Innovation

This executive order hereby creates the Office of eHealth Innovation (the "Office") within the Governor's office. The Office shall promote and advance the secure, efficient, and effective use of health information, and help to inform, incentivize, and influence future Health IT initiatives.

Pursuant to the Health Information Technology for Economic and Clinical Health (HITECH) Act, the Office is hereby designated as Colorado's Designated Entity to participate in the programs of the Office of the National Coordinator for Health Information Technology and other Health IT programs established by certain federal agencies.

The Office shall be led by a Director to be selected by the Governor and comprised of staff necessary to carry out the Office's mission. Staff shall be supported by funding from grants or state health programs. The Director shall report to the Governor or the Governor's designee. The Department of Health Care Policy and Financing shall serve as the administrative and fiscal agent for the Office.

The Office shall evaluate the state's Health IT needs and facilitate the use of public funds to enable all Coloradans to benefit from Health IT and health information exchange efforts. The Office shall coordinate relevant public and private stakeholders and Health IT programs across

state agencies and between state and federal projects. The Office shall evaluate functions to advance Health IT systems in Colorado and create transparency and accountability. The Office will not own or operate any technical infrastructure but will define the minimum criteria for qualified organizations that will provide state-level, common technical services supporting advanced health information interoperability.

The Director, in consultation with the eHealth Commission, shall advise and recommend policy and regulatory changes that will accelerate Health IT innovation in Colorado.

B. Creation of the eHealth Commission

There is hereby created, under the office of the Governor, the eHealth Commission (the "Commission"), to provide advice and guidance to the Office of eHealth Innovation on advancing Health IT in Colorado. The Commission shall support the implementation of the state's Health IT strategy and interoperability objectives by setting goals for Health IT programs and creating a process for developing common policies and technical solutions.

The Commission shall establish policies and procedures it deems appropriate for conducting its meetings. The Commission shall not be subject to the State Administrative Procedures act, C.R.S 24-4-101, *et seq.*, but shall be subject to the Colorado Open Records Act, 24-72-201, *et seq.*, and the Colorado Open Meetings Law, 24-6-401, *et seq.*

The Commission shall consist of no fewer than nine and no more than 15 members, appointed by the Governor, with statewide representation from urban and rural communities. Members shall serve three year terms. The members of the Commission shall include:

1. Between four and 10 representatives, who are not state employees, that collectively have experience and knowledge of as many of the following areas as practical:
 - primary health care delivery
 - behavioral health care delivery
 - health care facilities
 - health insurance
 - non-profit, Health IT-related community organizations
 - interoperability and data exchange
 - digital health technology
 - consumer engagement in health care
 - health care quality measures
2. The Director of the Office of eHealth Innovation;

3. The Executive Director of the Department of Public Health and Environment or his or her designee;
4. The Executive Director of the Department of Health Care Policy and Financing or his or her designee;
5. The Executive Director of the Department of Human Services or his or her designee;
6. The Executive Director of the Governor's Office of Information Technology or his or her designee.

Members of the commission shall choose one representative to serve as the chair person.

The Director, with the advice of the Commission, may create work groups to advise the Commission and the Office on issues related to its mission. The Director and the Commission shall also coordinate with, and utilize the work of, other health transformation efforts.

III. Duration

Executive order 008-09 is hereby rescinded. This Executive Order shall remain in force until modified or rescinded by future Executive Order of the Governor.



GIVEN under my hand and the
Executive Seal of the State of
Colorado this sixth day of
October, 2015.

A handwritten signature in black ink, appearing to read "John W. Hickenlooper".

John W. Hickenlooper
Governor