



State of Vermont  
Department of Vermont Health Access  
Office of the Commissioner  
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Agency of Human Services  
[Phone] 802-879-5900

May 24, 2023

Owen Foster, Chair, Green Mountain Care Board  
144 State Street  
Montpelier, VT 05602

Re: Health Information Exchange Strategic Plan Modification Request

Dear Chair Foster,

Please consider this letter a request to the Green Mountain Care Board (GMCB) to make a minor modification to the language in Appendix A of the approved Health Information Exchange (HIE) Strategic Plan. Per 18 V.S.A. § 9351 subsection (c), the GMCB needs to vote on approval of this change:

*"The Department of Vermont Health Access, in consultation with the Steering Committee and subject to Green Mountain Care Board approval, may propose updates to the Plan in addition to the annual updates as needed to reflect emerging technologies, the State's changing needs, and such other areas as the Department deems appropriate."*

This requested update has been reviewed and approved by the HIE Steering Committee at its April 3, 2023, meeting. Appendix A involves the Protocols for access to Protected Health Information (PHI) on the Vermont Health Information Exchange (VHIE). In the HIE Plan that was approved in December, Appendix A enables participation in the national exchange. Currently this includes the University of Vermont Health Network (UVMHN), Veteran Affairs (VA), and the Department of Defense (DoD) for treatment purposes. With changes to how some states are treating reproductive care and gender affirming care, we want to thoughtfully approach sharing data with new partners. Requested modification would allow the HIE Steering Committee to thoughtfully consider and plan for appropriate national exchange of PHI and protect from claims of information blocking.

As such, the request is reflected in [the blue underline](#) in Section 7 – National Exchange, shown below. This is on page 45 of the [HIE Plan](#).

#### **Section 7—National Exchange**

**A. General.** Each Individual's electronic Protected Health Information that is contained in the Vermont Health Information Exchange shall be available for query-based exchange with national exchanges pursuant to Restatement II of the Data Use and Reciprocal Support Agreement ("DURSA"), April 13, 2019, and as amended in the future, unless a Participating Health Care Organization elects to not make their data available

or the Individual has affirmatively elected not to have the Individual's electronic Protected Health Information shared in that manner.

Participants in these exchanges shall access Protected Health information for permitted purposes pursuant to and as defined by DURSA to facilitate and protect eHealth Exchange.

Additionally, an individual's PHI contained on the VHIE shall also be provided for permissible purposes to other organizations as required by federal law.

**B. VITL's Responsibilities.** VITL, in coordination with [and subject to the approval of](#) the HIE Steering Committee, shall participate in the DURSA and any successor agreements thereto and shall comply with the requirements of participation. VITL may also participate in the exchange of Protected Health Information with other state or regional health information exchanges under direct agreements so long as they are consistent with the DURSA's exchange framework and protections for the privacy, confidentiality and security of the health data.

We are requesting the Green Mountain Care Board approve this modification.

Sincerely,



Andrea DeLaBruere,  
Commissioner of Department of Vermont Health Access

Cc: Jenney Samuelson, Secretary, Agency of Human Services  
Todd Daloz, Deputy Secretary, Agency of Human Services