

**216.265 Kentucky e-Health Network Board -- Membership -- Terms -- Employees -  
- Immunity from liability -- Reimbursement of expenses -- Meetings --  
Committees or subcommittees -- Reorganization.**

- (1) The Kentucky e-Health Network Board is created and is attached to the Cabinet for Health and Family Services for administrative and technical support purposes.
- (2) The board shall consist of the following voting members:
  - (a) President, or a designee, of the University of Kentucky, who shall serve as co-chair of the board;
  - (b) President, or a designee, of the University of Louisville, who shall serve as co-chair of the board;
  - (c) Commissioner, or a designee, of the Department for Public Health;
  - (d) Commissioner, or a designee, of the Department for Medicaid Services;
  - (e) Executive director, or a designee, of the Commonwealth Office of Technology; and
  - (f) Nine (9) at-large members appointed by the Governor as follows:
    1. One (1) member engaged in the business of large-scale e-strategy and computer information technology;
    2. One (1) member engaged in the business of health insurance who is employed by a company that has its headquarters in Kentucky;
    3. Two (2) members from a list of four (4) individuals recommended by the Kentucky Hospital Association, one (1) representing rural hospitals, and one (1) representing urban hospitals;
    4. Two (2) physicians actively engaged in the practice of medicine in the Commonwealth from a list of four (4) physicians recommended by the Kentucky Medical Association, or self-nominated;
    5. One (1) member from a company with at least one thousand (1,000) employees selected from a list of four (4) individuals submitted by the Associated Industries of Kentucky;
    6. One (1) member with experience as a physician practice manager; and
    7. One (1) member at large.
- (3) The board shall consist of the following ex officio members who may vote, but shall not be counted toward a quorum:
  - (a) Commissioner, or a designee, of the Department of Commercialization and Innovation;
  - (b) President, or a designee, of the Council on Postsecondary Education;
  - (c) Secretary, or a designee, of the Cabinet for Health and Family Services;
  - (d) Commissioner, or a designee, of the Department of Insurance;
  - (e) Two (2) members of the Senate who are members of the Interim Joint Committee on Health and Welfare or the Interim Joint Committee on Banking and Insurance, appointed by the President of the Senate; and

- (f) Two (2) members of the House of Representatives who are members of the Interim Joint Committee on Health and Welfare or the Interim Joint Committee on Banking and Insurance, appointed by the Speaker of the House.
- (4) Members of the board shall serve a term of four (4) years and may serve two (2) consecutive terms.
- (5) At the end of a term, a member of the board shall continue to serve until a successor is appointed. A member who is appointed after a term has begun shall serve the rest of the term and until a successor is appointed. A member of the board who serves two (2) consecutive full four (4) year terms shall not be reappointed for four (4) years after completion of those terms. Members designated in subsection (2)(a) to (e) of this section and members designated in subsection (3) of this section shall serve on the board only while holding their respective titles.
- (6) A majority of the full membership of the board shall constitute a quorum.
- (7) The board may employ staff or contract with consultants necessary for the performance of the duties of the board, subject to the appropriation of funds.
- (8) No member of the board shall be subject to any personal liability or accountability for any loss sustained or damage suffered on account of any action or inaction of the board.
- (9) Members of the board and all committees, except the advisory group created in KRS 216.267(2), shall be entitled to reimbursement for actual and necessary expenses when carrying out official duties of the board in accordance with state administrative regulations relating to travel reimbursements. The board shall meet at least monthly.
- (10) The board may appoint committees or subcommittees with the charge of investigating and making recommendations to the board on specific aspects of the Ke-HN, including but not limited to evidence-based clinical decision support, security of protected information, electronic data interchange, and clinical practice software packages, including the feasibility of developing a software purchasing alliance to decrease the cost of software and tax incentives to encourage members of the network to purchase software deemed by the board to meet the standards of KRS 216.267. The board may appoint the following committees:
  - (a) Clinical Decision Support Committee;
  - (b) Privacy and Security of Protected Health Information Committee;
  - (c) Electronic Data Interchange Committee; and
  - (d) Clinical Software Review Committee.
- (11) The members of committees or subcommittees appointed by the board do not need to be members of the board. The chairs of committees or subcommittees shall be appointed by the board. The frequency of committee or subcommittee meetings shall be established by the board.
- (12) The Clinical Decision Support Committee membership shall include at least the following members:
  - (a) One (1) physician with expertise in health informatics;

- (b) Two (2) physicians actively engaged in the practice of medicine in this Commonwealth from a list of four (4) physicians recommended by the Kentucky Medical Association, or self-nominated;
  - (c) One (1) representative of a rural hospital and one (1) representative of an urban hospital;
  - (d) One (1) pharmacist;
  - (e) One (1) representative engaged in the business of health-care information technology;
  - (f) Two (2) members with experience as physician practice managers, one (1) from a single-physician practice and one (1) from a multiphysician practice; and
  - (g) One (1) member engaged in the business of health insurance who is recommended by the Kentucky Association of Health Plans, Incorporated.
- (13) The Privacy and Security of Protected Health Information Committee shall include at least the following members:
- (a) One (1) physician actively engaged in the practice of medicine in this Commonwealth;
  - (b) Two (2) members with expertise in HIPAA regulations;
  - (c) Two (2) members engaged in the business of large-scale e-strategy and computer information technology;
  - (d) One (1) member who serves as a computer information officer within the health-care industry;
  - (e) Two (2) members with experience as physician practice managers, one (1) from a single-physician practice and one (1) from a multiphysician practice;
  - (f) One (1) member engaged in the business of health insurance who is recommended by the Kentucky Association of Health Plans, Incorporated; and
  - (g) One (1) representative of a hospital.
- (14) The Electronic Data Interchange Committee shall include at least the following members:
- (a) Two (2) members engaged in the business of large-scale e-strategy and computer information technology;
  - (b) Two (2) members engaged in the business of health insurance who are recommended by the Kentucky Association of Health Plans, Incorporated;
  - (c) Executive director, or a designee, of the Office of Administrative and Technology Services within the Cabinet for Health and Family Services;
  - (d) Two (2) members with experience as physician practice managers, one (1) from a single-physician practice and one (1) from a multiphysician practice; and
  - (e) One (1) representative of a hospital.
- (15) The Clinical Software Review Committee shall include at least the following members:

- (a) One (1) member from a company that develops computer software for physician practices;
  - (b) One (1) member engaged in the business of large-scale e-strategy and computer information technology;
  - (c) Three (3) physicians, with one (1) having experience in electronic information technology;
  - (d) Two (2) members with experience as physician practice managers, one (1) from a single-physician practice and one (1) from a multiphysician practice;
  - (e) One (1) member engaged in the business of health insurance who is recommended by the Kentucky Association of Health Plans, Incorporated or employed by a company which has its headquarters in Kentucky; and
  - (f) One (1) representative of a hospital.
- (16) The Governor of the Commonwealth of Kentucky may reorganize the Kentucky e-Health Network Board to include the Kentucky Telehealth Board and to reorganize the Telehealth Board under the Cabinet for Health and Family Services. If the Governor deems it appropriate, the reorganization shall create a new Telehealth Committee of the Ke-HN board with the membership and responsibilities as described under KRS 194A.125 and shall be subject to confirmation by the General Assembly under the requirements of KRS 12.028.

**Effective:** July 12, 2012

**History:** Amended 2012 Ky. Acts ch. 158, sec. 50, effective July 12, 2012. -- Amended 2010 Ky. Acts ch. 24, sec. 317, effective July 15, 2010. -- Amended 2007 Ky. Acts ch. 24, sec. 27, effective June 26, 2007. -- Amended 2006 Ky. Acts ch. 210, sec. 12, effective July 12, 2006. -- Created 2005 Ky. Acts ch. 30, sec. 3, effective March 8, 2005.

**Legislative Research Commission Note** (3/8/2005). 2005 Ky. Acts ch. 30, sec. 7, provides that the "members of the Kentucky e-Health Network Board created in [KRS 216.265] shall be appointed upon the appropriation of federal or state funds or upon the availability of other funds to finance the administrative costs of the board."