

Photo Source: World Congress of Information Technology 2010, http://www.wcit2010.org/tracks/eHealth

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## The Principles of Liberty

# The Oklahoma Constitution Acknowledges this Principle of Liberty.

- Art. 2, Sect. I: "All political power is inherent in the people; and government is instituted for their protection, security, and benefit, and to promote their general welfare;..."
- Art. 2, Sect. 2: "All persons have the inherent right to life, liberty, the pursuit of happiness, and the enjoyment of the gains of their own industry."
- ■Art. 2, Sect. 7: "No person shall be deprived of life, liberty, or property, without due process of law."

HE did not give man dominion over man.



## Contents/Outline -

#### Part I

The Federal Data Hub/IT/Digital Everything

#### Part II

Health Care Reform Defined/National Standards/Global Adoption

#### Part III

Office of the National Coordinator/
Government+Industry +Academia = PPPs /One "Fused" System

#### Part IV

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#### Part V

Privacy & Security

#### Part VI

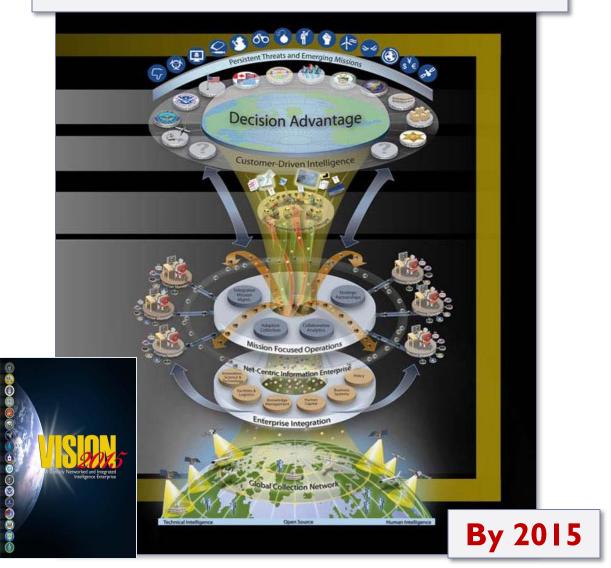
Conclusion



## Part I

The Federal Data Hub/IT/Digital Everything

# Federal Data "Hub" – the New American Idol.



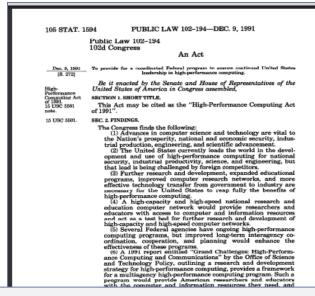
## Seamless Flow of Information

- •Information sharing requires common standards and interoperability of information technology systems at the federal, state, local, tribal and territorial level
- Requires the elimination of institutional and jurisdictional barriers to information sharing
- State laws, regulations and policies that "inadvertently and unnecessarily prohibit or significantly limit the exchange of electronic (including health) information" are changing to allow the seamless flow of information across organizational borders.

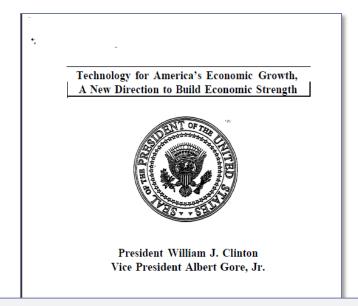
## IT – (Information Technology)

#### 1991 - High Performance Computing Act of 1991

#### 1993 - Technology for America's Economic Growth



Established a 'network' for research, and for use by the America people.



Created a National Information Infrastructure. including networking in healthcare

#### Today - "ubiquitous" or "pervasive" computing



#### **Digital Everything**

- Digital everything -Persons, Places, Things, and Events
- •Data on persons, places, things, and events is being collected, aggregated, analyzed and shared across jurisdictions regionally, nationally and internationally
- •Technology now includes the ability to locate, identify and track (surveille) persons, places, things and events remotely

### IT in ARRA and PPACA

#### 2009 – The Stimulus Bill - The REAL Health Care Reform Law

- The HITECH Act Health Information for Economic and Clinical Health -Title XIII of Division A, and Division B of the American Recovery and Reinvestment Act of 2009, Public Law 111-5
- 2. Adoption of certified EHR technologies and requirements for their "meaningful use"; State Health Information Exchanges/ SHIECAP (Cooperative Agreements)

#### 2010 - PPACA - (Patient Protection & Affordable Care Act +)

Health IT provisions:

- Quality of Care Sections 2717, 3004, 3005, 3013, 4302, 6301, 10332, 10333, 10109, 10305
- 2. Programs Sections 1322, 1323, 2401, 2703, 3011, 4103, 5405, 934, 5604, 6701, 10410
- 3. Reimbursement Structure (Insurance Exchanges) Sections 1311, 2706, 3002, 3021, 3022, 3024, 3201
- 4. Operating Rules and Standards –Sections 1104, 1561
- 5. Health IT Workforce Sections 2801, 3012, 3501, 3502, 5101, 5301, 6114

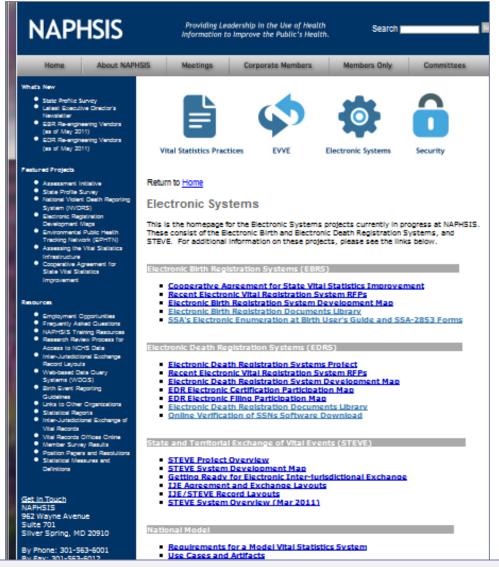
## Part II

Health Care Reform Defined/National Standards/Global Adoption



### Health Care Reform - Defined

- ▶ **Health Care Reform** is really about the use of IT to implement a nationwide health information network (NHIN), that will enable the seamless flow of information across boundaries, and that allows a growing *global* surveillance system to function.
- ▶ Electronic Health Records Reform is predicated on the creation of a standardized, interoperable electronic health record (EHR) on every single individual
- Cradle-to-Grave EHRs are used for data collection, aggregation and reporting and are intended to track a person from birth to death. (Longitudinal)
- **EHRs are universal and to be shared globally** not only within our government, but with foreign governments, universities, and other third parties.
- ▶ Requires Standardization and Interoperability to establish uniformity and compatibility in data collection, regardless of jurisdiction
- **EHRs include each person's genetic information –** and will be used for research purposes without the knowledge or consent of the person
- Rights killing Health care reform, and other data collection networks, do an "end-run" around search warrants and nullify our inherent rights to life, liberty and property.



#### Permanently linked to EHRs - NIEM Compliant

# NAPHSIS – Electronic Vital Records

#### Cradle-to-Grave

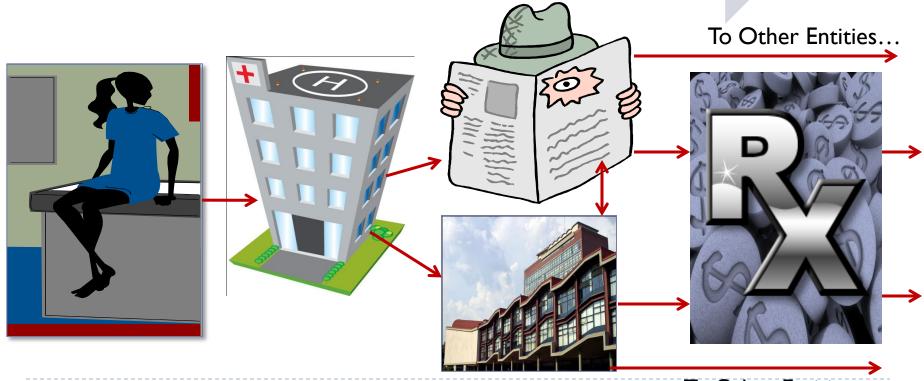
- •NAPHSIS -National Association for Public Health Statistics and Information Systems
- •Electronic Birth, Death Certificates for data collection, aggregation, and cross-jurisdictional sharing
- Data standardization and interoperability of systems



# The Seamless Flow of Information – From You to the Feds...and Beyond

Individual

Health IT Data Collection System Government/ Research Universities Private Sector/ Foreign organizations



# What makes it work? Standardization & Interoperability

Standards – Common use, rules, guidelines, formats, coding, etc. Establishes UNIFORMITY.

HL7 International – Health Level 7 International has been adopted by U.S. (global) ICD-10 – International Classifications of Diseases, V10 – For health coding and claims, adopted by U.S. (global)

▶ **Interoperability** – one system can communicate with another system, even if using different software and hardware.

**ALL FEDERAL GRANTS** that involve technology, including all healthcare, law enforcement and education grants, **REQUIRE** compliance with federal IT standards and interoperability capabilities.

ALL federal standards are international standards and globally interoperable.

State CIOs, the OHCA, the Oklahoma Health Information Exchange, (OHIET), RHIOs, HIOs adopt common standards and interoperability requirements.

The U.S. and the states' healthcare systems *must* comply.





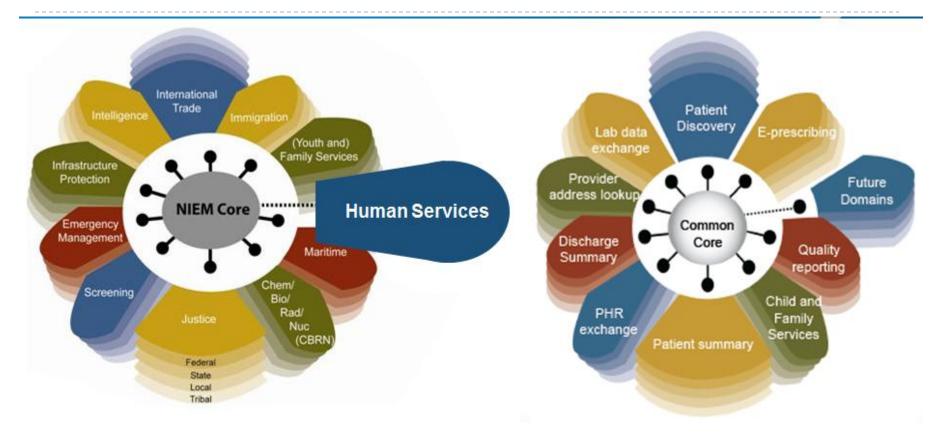
## National Standards/Acronyms

- ▶ **FHIM** Federal Health Information Model Fed. information model
- NHIN Nationwide Health Information Network A network of networks
- NIEM National Information Exchange Model Data model Goal - Information sharing across all levels and branches of government. Collaborators are DHS, USDOJ, and HHS.

The National Information Exchange Model (NIEM) is the result of a collaborative effort by the United States Department of Justice and Department of Homeland Security to produce a set of common, well-defined data elements to be used for data exchange development and harmonization.



## NIEM – Makes the Federal Data Hub Work



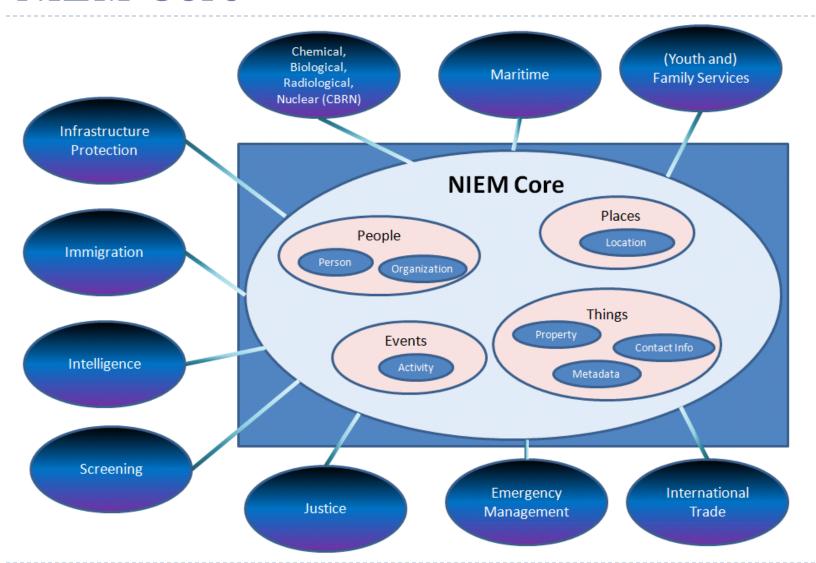
» ONC's Office of Interoperability and Standards is building a Health Information Exchange Model (NIEM Health) that is harmonized with NIEM

Source: www.niem.gov

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### NIEM Core



Source: www.niem.gov

#### **Identity - Carbon-based life form or silicon?**



#### NATIONAL STRATEGY FOR TRUSTED IDENTITIES IN CYBERSPACE

Enhancing Online Choice, Efficiency, Security, and Privacy

APRIL 2011



## Federated Identity Management (FIM)

Log in once

# Trust The Identity Ecosystem

#### The Identity Ecosystem

"It is an online environment where individuals and organizations will be able to trust each other because they follow agreed upon standards to obtain and authenticate their digital identities—and the digital identities of devices."

Although the private sector will lead development, the federal government will act as an early adopter to

"stimulate demand."



## The Two Exchanges Linked

## The Health Information Exchange (HIE) exists now in Oklahoma.

- 2004 Groundwork laid in 2004 via OK's participation in the national Health Information Security and Privacy Collaborative (HISPC) program.
- 2005 Creation of the Secure Medical Records Transfer Network (SMRTNET),
   OK's first regional health information

## The Health Insurance Exchanges (HIX or HBX) determine Eligibility –

- Collect demographic/income-related info to determine eligibility for state programs or use of the Exchange
- Exchange info with the IRS for purposes of verifying/determining:

# Both exchanges are NIEM Compliant; will be linked for purposes of data collection, aggregation, analysis, and sharing; and will require a federated identity to access

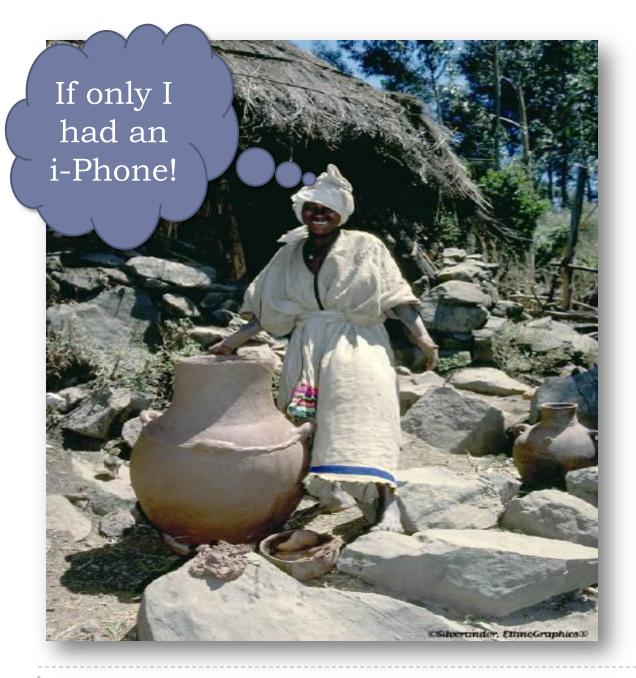
- 2008 OK in the CMS EHR Demonstration Project; SB 1420 Creates the Oklahoma Health Information Exchange Act
- 2009 SB 757 -Health Information Infrastructure Advisory Board (HIIAB)
- 2010 SB 1373 Oklahoma Health Information Exchange Trust (OHIET), which oversees the state's implementation of HIT and HIE.

#### **PPACA**

- Exchange citizenship/immigration status info with Social Security Administration/Department of Homeland Security to verify eligibility to use Exchange
- Streamline/coordinate enrollment procedures for all state health subsidy programs and facilitate enrollment in those programs

## Global Adoption

EHRs for Everyone





#### **Global Adoption**

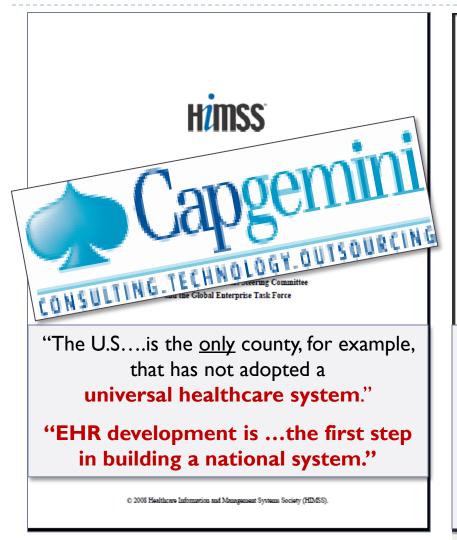
WHO -

Strategic Outcome: Total information awareness "to address emerging threats"

#### Objective:

- •An Electronic health record (EHR) on everyone
- •Access to technologies for data collection, aggregation and reporting

## Global Adoption: A Global Perspective and a Charter





"Technology: Digital records, interoperable networks and technical toolsets must be in place for optimal management and dissemination of health."

The Charter states there will be secondary usages of data collected - And the U.S. is a Member

#### **EXAMPLE of USE-CASE**

Demonstration within the ONC and FHA Area of the HIMSS Interoperability Showcase

The Office of the National Coordinator for Health Information Technology



#### Global Medical Data Exchange

Palmetto Primary Care

Electronic Health Network will demonstrate how medical data can be exchanged on a global scale using Cisco MDES and CONNECT. EHN will show patient data being exchanged between Palmetto Primary Care Physician (PPCP) Specialists and a European physician. Second, EHN will show how the same patient's data can be shared with an epSOS compliant EMR if an American requires care while in Europe. The use case will illustrate a bidirectional exchange of medical data between providers from local to an international level using epSOS and CONNECT.

And with whom did the European physician share the medical data? Who knows?
U.S. laws do not apply outside of this country...

## Interoperability Showcase

Florida, Feb. 2011

#### ONC - Global Medical Data Exchange

- •Electronic Health Network demonstrated exchanging medical data on a global scale, using Cisco MDES and CONNECT.
- •Medical data was shared between a U.S. physician and a European physician.
- •The use case demonstrated bi-directional exchange of medical data.
- •Purpose was to illustrate that the Nationwide Health Information Network (NHIN) is global.

### Part III

Office of the National Coordinator/ Government+Industry+ Academia=PPPs/One "Fused" System

## Office of the National Coordinator (ONC)



On April 27, 2004, President Bush issued Executive Order (E.O.) I 3335 establishing the position of a National Coordinator for Health Information Technology (IT) within the Office of the Secretary of Health and Human Services.

ONC Initiatives include establishing the Nationwide Health Information Network (NHIN), and supporting the development of the Federal Health Architecture.

The ONC has set a goal that every person in the U.S. must utilize an electronic medical record by 2014.

## Example - Enrollment Workgroup Members -Ronan Rooney, Curam

#### **Workgroup Members**

Chair: Aneesh Chopra, Federal CTO

Co-Chair: Sam Karp, California Healthcare Foundation

Members:

Cris Ross SureScripts

James Borland Social Security Administration
 Jessica Shahin U.S. Department of Agriculture
 Stacy Dean Center on Budget & Policy Priorities

Steve Fletcher CIO, Utah

Beed V. Tuckson UnitedHealth Group

Ronan Rooney Curam

Rob Restuccia Community Catalyst

Ruth Kennedy Louisiana Medicaid Department

Ray Baxter Kaiser Permanente

Deborah Bachrach Consultant
 Paul Egerman Businessman
 Gopal Khanna CIO, Minnesota
 Bill Oates CIO, City of Boston

Anne Castro Blue Cross/Blue Shield South Carolina

Oren Michels Mashery
 Wilfried Schobeiri InTake1

Bryan Sivak CTO, Washington, DCTerri Shaw Children's Partnership

Elizabeth Royal SEIU

Sallie Milam West Virginia, Chief Privacy Officer

Dave Molchany Deputy County Executive, Fairfax County

## Ronan Rooney – CURAM Software

- •Headquartered in Dublin, Ireland and Herndon, VA
- •Corporation documents filed in Oklahoma June 2011
- Lobbyists hired same month Courtney Jones, Robert Stem
- •Already networking with OK state legislators for OK contract for the Insurance Exchange enrollment and eligibility



## The ONC's Strategic Plans -

ONC Federal Health IT Strategic Plan – 2008-2012

ONC Federal Health IT Strategic Plan – 2011-2015

> Office of the National Coordinator

**CHANGE - Yes, We Can!** 

# Technology Nullifies Principle!

"inadvertently and unnecessarily prohibit or limit the appropriate exchange of information..."

must change to accommodate the technology.

**ONC** will leverage the National Information Exchange Model (NIEM)

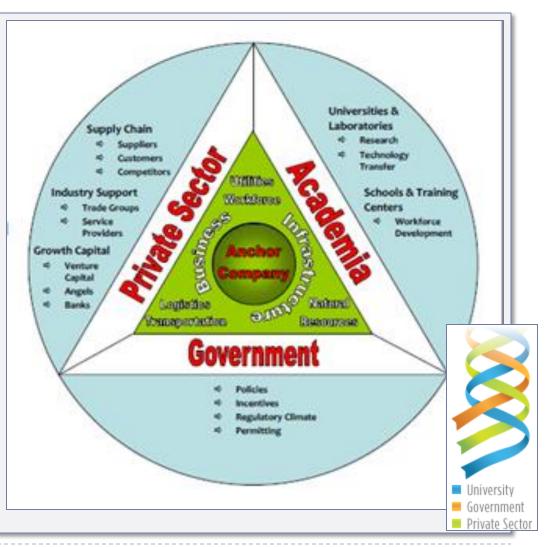
## Government, Industry, and Academia - PPPs

#### The "New Economy" Triangle:

A "knowledge-based" economy involves strategic alliances, aka public/private partnerships:

- I. Government
- 2. Industry anchor company
- 3. Academia

This is NOT the free-market.

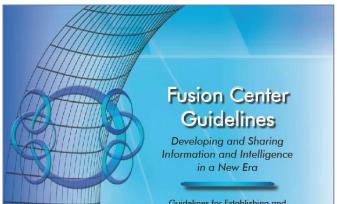


## One "Fused" System

Elimination of Barriers to Information Sharing

## Health Care Reform - One "Fused" System

Fusion Center Model: Data Collection, Analysis, and Sharing



Health Care Reform: Data Collection, Analysis, and Sharing



## Both systems

#### NIEM (National Information Exchange Model) Compliant

Eliminate barriers to information sharing between the federal, state, tribal, and local governments and the private sector.

Share info nationally & internationally

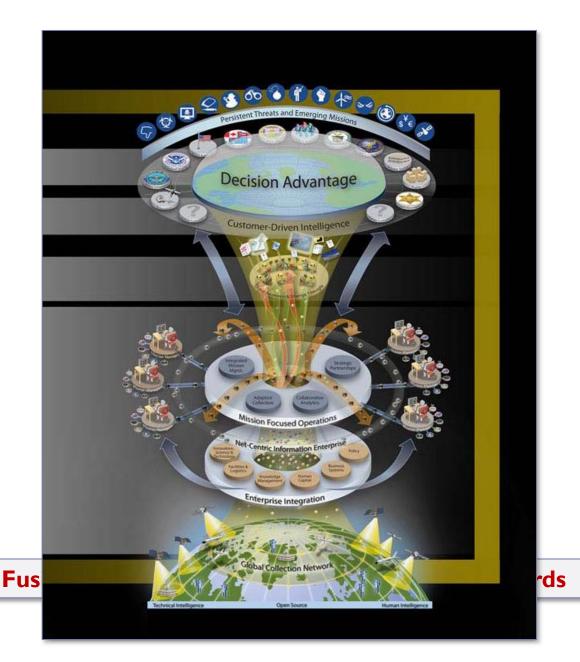
Eliminate barriers to information sharing between the patient, provider, payer and federal, state, tribal, and local government and private sector.

Share info nationally & internationally

### Federal Enterprise Architecture - CONNECT

- 1. Department of Health & Human Services
- 2. Administration for Children and Families (ACF)
- 3. Administration on Aging (AoA)
- 4. Agency for Healthcare Research and Quality (AHRQ)
- 5. Agency for Toxic Substances and Disease Registry (ATSDR)
- Centers for Disease Control and Prevention (CDC)
- 7. Centers for Medicare & Medicaid Services (CMS)
- 8. Food and Drug Administration (FDA)
- Health Resources and Services Administration (HRSA)
- 10.Indian Health Service (IHS)
- I I. National Institutes of Health (NIH)
- 12.Substance Abuse and Mental Health Services Administration (SAMHSA)
- 13.Department of Commerce
- 14.Department of Defense (DoD)
- 15.Department of Agriculture (USDA)

- 16.Department of Energy (DOE)
- 17.Department of Homeland Security (DHS)
- 18.Department of Housing and Urban Development (HUD)
- 19.Department of Justice (DOJ)
- 20.Department of Labor (DOL)
- 21.Department of State Department of the Treasury
- 22. Department of Transportation (DOT)
- 23. Department of Veterans Affairs
- 24.Environmental Protection Agency (EPA)
- 25. National Aeronautics and Space Administration (NASA)
- 26. National Science Foundation (NSF)
- 27.Office of Personnel Management (OPM)
- 28.Railroad Retirement Board (RRB)
- 29.Small Business Administration (SBA)
- 30. Social Security Administration (SSA)
- 31.United States Agency for International Development (USAID)



## Fusion Centers and Public Health

"Integrating the PH/HC (Public Health/Health Care) community into a fusion center does not require additional capabilities but simply the incorporation of their information, expertise, and resources into the existing fusion center operations."

Fusion Centers and the Health Care Systems are NIEM Compliant (National Information Exchange Model)

## Part IV

State Initiatives

## Federal/OK Legislation/Related Initiatives

2004 2005 2006 2007

 Office of National Coordinator for Health IT (ONC) •OK participates in

the ONC's Health

- •Fed. Fusion Center Guidelines written.
- OK Biometrics
- initiative

•HB 2842 —Creating the Oklahoma Medicaid Reform Act of 2006

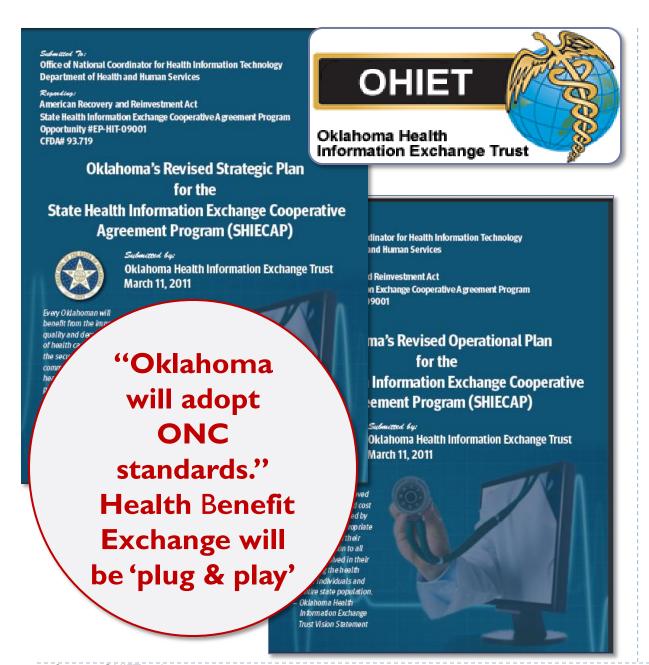
•Demonstration

E.O. 2007-41 - OK **Fusion Center** established (OSBI) E.O. 2007-42 – OK Office of Homeland

CIOs officially recommends states adopt NIEM to enable information sharing across boundaries, regardless of jurisdiction.

2010 2008 2009 2011

- •F O 2008-4 Establishment of OK HITSPC - Roswell •SB 1420 - OK Health Information **Exchange Act**
- •OK involved in the CMS EHR
- Demonstration-Project
- Creation of Gov't Modernization C'mt. •HB 1170 - Creation of Chief Information Officer CIO position **•SB** 757 - HIIAB; **EMRs** defined: health data exchange; HIT and HIE.
- •\$1M Contract w/ Capgemini for statewide IT assessment
- •SB 1373 -Creation of the Oklahoma Health **Information Exchange Trust** (OHIET)
- •Fusion Centers go federal – include public health info Health Insurance Exchange attempt •OK accepts \$54 M Early Innovator Grant for IT Infrastructure



OK Health
Information
Exchange Trust
(OHIET) Plans

•OHIET created in 2010 in SB 1373, by Crain/Schwartz

•7 Trustees – Including David C. Kendrick

•Kendrick - Archimedes, Inc. .

•Archimedes received a \$15.6 funding from Rob't Wood Johnson Foundation.

•Archimedes awarded Beacon Community contract, and is intended to be adopted statewide.

Source: OHIET website:

## Archimedes – The Virtual Doctor is Always In



Quantifying Healthcare

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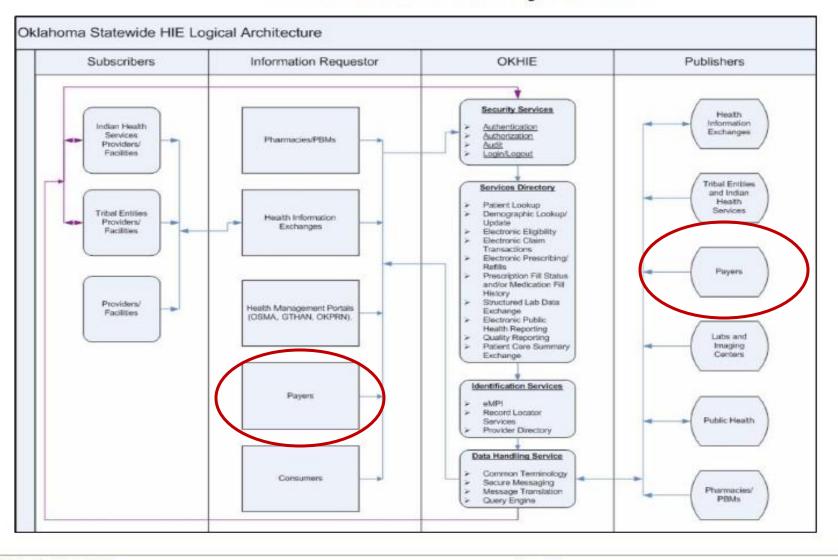
Health Outcome Decisions Include:

- Quality-adjusted life years (QALYs)
- Life years
- •Costs
- Cost per QALY
- •Cost per life year
- •Cost per event averted



A software program to diagnose and treat carbon-based life forms

Exhibit 6: Oklahoma Statewide HIE Logical Architecture



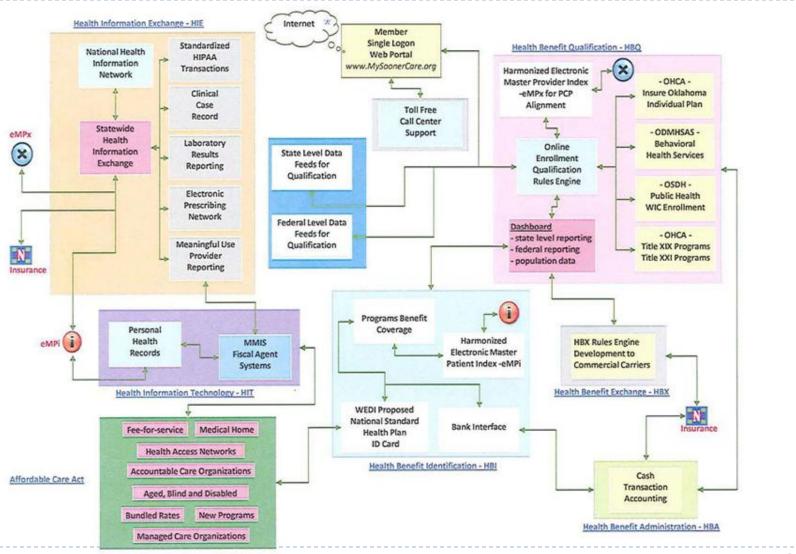
OHIET Revised Strategic Plan

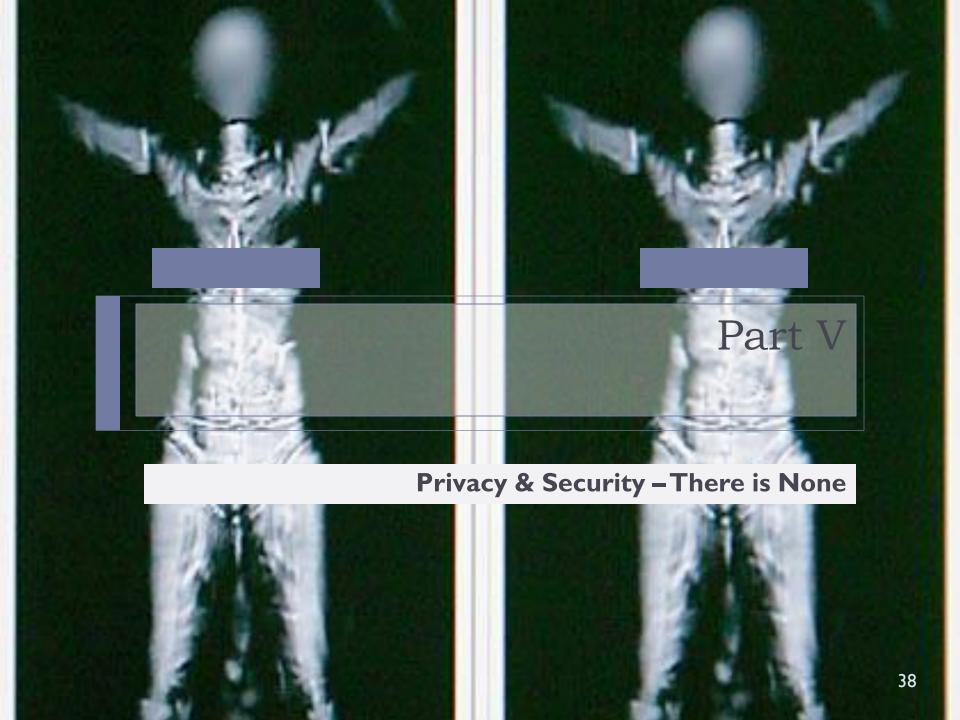
Page 36

Source: OHIET website:

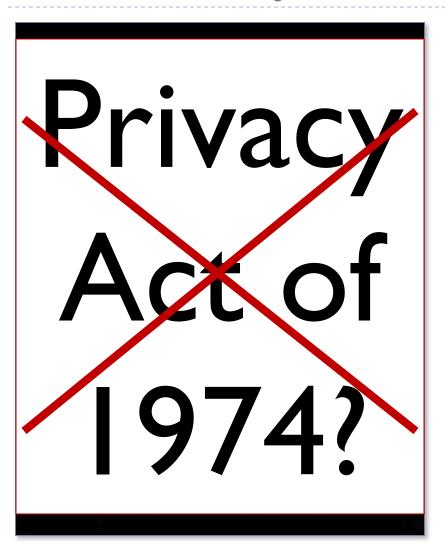
### OK Health Benefits Exchange Logic Model

#### LOGICAL MODEL OVERVIEW





# EPIC Comments re: DHS NPRM, System of Records Notice (SORN)



- by attempting to give itself broad information sharing authority and by exemptions from the Act's requirements about disclosure of personal information.
- The Electronic Privacy Information Center (EPIC) states, "The system of records will involve an unprecedented collection of personal information, subject to the Privacy Act."
- The information DHS is seeking "extraordinarily broad"...
- "Moreover, the agency claims an unusually broad authority to share this information with both public and private parties," including foreign and international interests.

# Privacy - What Privacy?

#### DHS Wants it ALL...this is the list:

- Full name;
- Date and place of birth;
- •Social Security Number (Many state, local, tribal, territorial, domestic security, emergency management, and private sector individuals, organizations and agencies collect/use SSNs as an identifier and may be shared with the Department);
- Citizenship;
- Contact information including phone numbers and email addresses;
- Address;
- •Physical description including height, weight, eye and hair color;
- •Distinguishing marks including scars, marks, and tattoos;
- Automobile registration information;
- Watch list information;
- Medical records;
- Financial information;
- •Results of intelligence analysis and reporting;



# Rights? Human Subjects Research –



# Human Subjects Research – without consent! And without oversight either.

The federal notice proposes a new rule to expand researcher access to private patient data and biospecimens, allow studies and analysis that interfere with the patient-doctor relationship without patient consent or customary research oversight requirements, lessen legal contracts for protecting patient data, centralize oversight and control, and eliminate consent requirements for researcher access to deidentified, but identifiable, tissues, body parts, and patient DNA.

In 1991, the "Common Rule" - a uniform set of rules for the protection of human subjects in *federally-funded* research - was adopted by 15 federal agencies. However, the FDA's "Advance Notice of Proposed Rulemaking" now states.

"The intent is to revise the Common Rule."

# Security? Breaches-By the Numbers

### **Stanford Security Breach**

By Kevin Sack, 9/8/2011

#### Patient Data Posted Online in Major Breach of Privacy

A medical privacy breach led to the public posting on a commercial Web site of data for 20,000 emergency room patients at Stanford Hospital in Palo Alto, Calif., including names



- "...experts on medical security said the Stanford breach spotlighted the persistent vulnerability posed by legions of outside contractors that gain access to private data."
- 542,303,627 Total # of records breached (2005-2011)
- 164,659,284 Total # of above were ED, GOV, MED, or NGO
  - I31,583,366 Just GOV
  - 2. 22,431,091 Just MED

## Money Trumps Privacy, Rights & Security...



February 13, 2008

Lockheed wins \$1 billion FBI biometric contract FBI awards Lockheed Martin a 10-year contract

#### **Electronic Health Records**

"Accenture Health discovers emerging trends in international electronic medical records (EMR) and electronic health records (EHR) markets."

"The global EMR/EHR market Is slated to be worth \$19.7 billion in 2013—and a



#### Interoperability Standards for Emerging Technologies - \$22.8M

"Newly emerging technologies such as a smart electrical grid (i.e., Smart Grid), interoperable electronic healthcare records, and cloud computing promise to transform our society and galvanize U.S. industry.

For each technology to be effective, however, many complex interconnected components must be fully interoperable, able to exchange information, and work together seamlessly on a nationwide scale."

Martin on the contract will be Accenture and BAE Systems Information Technology."

outsourcing services for the state's Medicaid agency.





## OHCA \$281M Contract with HPES

(Hewlett Packard Enterprise Systems)

- Shares information with the Health Insurance Exchange (HIE) and link to Electronic Health Records (EHRs) (pp. E-57, 58)
- "...and is aligned with the Medicaid Information Technology Architecture (MITA) and the National Health Information Network (NHIN)" (p. E-113)
- "Existing Health Exchanges—Our solution can accommodate and capitalize on efforts to integrate into other local community and private health exchanges through its gateways. It provides a framework for future enhancements."



By retaining HPES, OHCA continues with an innovative partner. Our system and people have proven across time to be the foundation for dynamic healthcare change in Oklahoma.

## Part VI

Conclusion & Recommendations

# The American People Are NOT Slaves – Nor simply 'carbon-based life forms'

#### Conclusion:

Government, via health care reform and other federal initiatives, is establishing a globally networked and integrated intelligence enterprise - one that includes an extraordinary amount of extremely personal, detailed information about the America people.

Government, in it's attempt to be an all-knowing technocratic "god" and to satisfy the IT industry's insatiable, ever-changing appetite, is doing an end-run around human dignity and nullifying our God-given rights to life, liberty and property.

"Nature has not made men slaves, but free, with an intrinsic right to liberty when they infringe not the equal freedom of others. Not only so, but liberty is a divine principle, recognized in Scripture. So the Psalmist declared, "I will talk at liberty; for I seek thy precepts," and Jesus taught that it is lawful for a man to do what he will with his own, when he thereby commits no wrong to others."

Biblical Law, by H.B. Clark, p. 15



### Recommendations:

- Repent not kidding here
- Do not establish a state-based Health Insurance exchange
   it will be the same as the Federal government's version
- 3. Allow people to escape HIT/HIE system without penalty; do not penalize providers who opt not to adopt EHRs or participate in this system
- 4. Repeal state laws that prohibit individuals from seeking alternative health care services, i.e. homeopathic medicines or non-traditional treatments
- 5. Terminate the Oklahoma Health Information Exchange Trust
- Audit the Oklahoma Health Care Authority expenses outweigh benefits
- 7. Adhere to the OK Constitution work to restore liberty

### Sources -

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- The Oklahoma Constitution/Legislation www.oscn.net
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- HL7 http://www.hl7.org/about/index.cfm?ref=nav
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- Michigan Economic Development Corporation.; and Greg Mains, President of St. Gregory's University, ppt presentation at the OEDC 2011 Summit, Oct. 3, 2011, Norman, OK <a href="http://michigan.gov/documents/mda/rfcroadmap\_255905\_7.pdf">http://michigan.gov/documents/mda/rfcroadmap\_255905\_7.pdf</a>
- Photo of Children Accenture, Bending the Curve on the Path to High Performance, p. 14 http://www.accenture.com/SiteCollectionDocuments/PDF/Accenture\_Innovation\_Center\_Health\_ Healthcare\_Reform.pdf
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