

BYLAWS OF

**The New Jersey Integrated Population  
Health Data (iPHD) Project  
Governing Board**

Approved

March 24, 2017

## ARTICLE I

### NAME, MISSION, BACKGROUND

**1.1 Name:** This Board shall be known as the Integrated Population Health Data (iPHD) Project Governing Board.

**1.2 Mission:** To establish a process to integrate certain health and other data from publicly supported programs for population health research and promote research using those data to improve population health and the cost-efficiency of public programs in New Jersey.

**1.3 Background:** On January 11, 2016, Governor Chris Christie signed into law the Integrated Population Health Data (iPHD) Project, as enacted by the New Jersey State Senate and Legislature. The Legislature found and declared that:

- Many New Jersey administrative departments and agencies, including, but not limited to, the Departments of Health, Human Services, Community Affairs, Corrections, and Agriculture, currently create, maintain, receive, and transmit individually identifiable data and aggregated data sets in order to perform necessary and vital administrative functions delegated to the agencies.
- The creation of a process by which a State or federal administrative department or agency or an authorized researcher can access data and data sets created or maintained by a federal, State, or local administrative department or agency will help facilitate the development and evaluation of this data, reduce duplicative data collection and maintenance efforts, and allow for comparison of data for accuracy and reliability.
- The linkage of multiple sources of State, federal, and local data and the application of valid statistical techniques can facilitate the identification of population trends and individual and community-level determinants directly related to the health, safety, security, and well-being of New Jersey residents.
- The establishment of a secure, statewide, Integrated Population Health Data (iPHD) Project, containing certain data collected by New Jersey administrative departments and agencies and that includes data related to health and publicly supported programs, will facilitate approved, project-by-project analysis and research and the development of the most effective means for improving the health, safety, security, and well-being of New Jersey residents and the overall cost-efficiency of government programs.

By enacting the legislation authorizing the iPHD project, the New Jersey Legislature and Governor established a process to integrate health and other data from publicly supported programs for population health research for the purpose of: (1) improving public health, safety security, and well-being of NJ residents; and (2) improving cost-efficiency of government assistance programs. The law establishes a Governing Board and oversight process and authorizes iPHD project operations within Rutgers University Center for State Health Policy

(CSHP). The legislation requires that the iPHD project will be capable of securely receiving, maintaining, and transmitting data in accordance with the Act no later than 12 months following its effective date. The iPHD project shall comply with all applicable federal and state laws and regulations governing the privacy and security of personal health information and other data, including, but not limited to HIPAA, 42 CFR Part 2, and other laws and regulations applicable to data received or distributed by the iPHD project.

The law recognized that the New Jersey administrative departments and agencies create and maintain individually identifiable data and aggregated data sets in performance of their functions. A process by which agencies or authorized researchers can access data will help improve the value of those data. The linkage of multiple data sources and application of valid research methods can help identify population trends and individual and community determinants of health, safety, security and well-being of New Jersey residents.

The establishment of a secure, statewide iPHD project containing certain data from New Jersey departments and agencies relating to health and publically supported programs will facilitate project-by-project approved analysis and research on the most effective strategies of improving the health, safety, security, and well-being of NJ residents and the overall cost-efficiency of government assistance programs. Rutgers CSHP has responsibility for data integration functions and is the designated entity to maintain the technical and operational capacity to operate the iPHD.

**1.4 Governance:** The iPHD Project Governing Board is in, but not of, the NJ Department of Health.

## **ARTICLE II**

### **MEMBERS OF THE BOARD**

**2.1 Number of Members:** The Governing Board shall consist of ten (10) Members. There shall be nine (9) voting Members, all with equal voting rights, and one (1) non-voting Member.

**2.2 Composition of the Board:** In accordance with the law establishing the iPHD Project Governing Board (C.30:4D-67), a public Member shall be appointed by the President of the Senate, representing an organization capable of advocating on behalf of persons whose data may be received, maintained, or transmitted by the iPHD project; one Member shall be the Director of the Rutgers Center for State Health Policy, who shall serve as a non-voting, ex officio Member; one Member shall be a public Member appointed by the Speaker of the General Assembly, with experience in human subjects research who is affiliated with a research university in New Jersey; and two Members shall be public Members appointed by the Governor, as follows:

- An individual with legal expertise and interest in protecting the privacy and security of individually identifiable information; and
- An individual with technical expertise and interest in the creation and maintenance of large data systems and data security.

The five remaining Members shall be voting, ex officio Members representing the Commissioner of Health, who shall also serve as chair of the Board; the Commissioner of Human Services; the State Treasurer; the Attorney General; and the Chief Information Officer for Rutgers, The State University of New Jersey. Ex officio Members may be represented by designees. The Board may elect a Vice Chair with a simple majority vote.

**2.3 Term of Members:** The Board, by majority vote, shall assign two appointed board Members an initial term of three years, one appointed Member an initial term of two years, and one appointed Member an initial term of one year. Following the expiration of the initial terms, public Members of the Board shall be appointed for terms of three years. Public Members shall remain on the Board until such time as a new Member has been appointed to their respective seat. The ex officio Members of the Board shall serve during their respective terms of office.

**2.4 Vacancies:** Any vacancy occurring in the Membership of the Board shall be filled in the same manner as the original appointment, for the unexpired term only.

**2.5 Regular Meetings:** The Board shall meet at least quarterly, and at such other times as it determines to be necessary. Rutgers CSHP will provide staff support for all Board activities.

**2.6 Board Compensation and Resources:** The appointed Members of the Board shall serve without compensation but may be reimbursed for necessary expenses incurred in the performance of their duties. In addition, the Board shall be entitled to and avail itself of the assistance and services of the staff of the Department of Health, and of the employees of any other State department, board, bureau, commission, or agency, as it may require and as may be available for its purposes.

**2.7 Indemnification:** A Member of the Governing Board shall not, by reason of the Member's performance of any duty, function, or activity required of, or authorized to be undertaken by, the Board, be liable in an action for damages to any person for any action taken or recommendation made by the Member within the scope of the Member's duty, function, or activity as a Member of the Board, if the action or recommendation was taken or made without malice. The Members of the Board shall be indemnified and their defense of any action provided for in the same manner and to the same extent as employees of the State under the "New Jersey Tort Claims Act," N.J.S.59:1-1 et seq., on the basis of acts or omissions in the scope of their service.

**2.8 Conflict:** A Member of the Governing Board shall not participate in deliberations or vote on any matter before the Board concerning an individual or entity with which the Member has, or within the last 12 months has had, any substantial ownership, employment, fiduciary,

contractual, creditor, or has interests in the outcome of the research that may lead to a personal advantage and that might, therefore, in actuality or appearance compromise the integrity of the research. A Member who has or who has had such a relationship with an individual or entity involved in any matter before the Board shall make a written disclosure before any action is taken by the Board with respect to the matter, shall make the relationship public in any meeting in which action on the matter is to be taken, and shall not vote on Board actions on the matter. All Governing Board Members who are not state agency officials shall be required to complete on-line ethics training provided by the State Ethics Commission, and pursuant to Executive Order No. 24, will be required to file annual Financial Disclosure Statements ("FDS"). The recusal of a Member to avoid a conflict does not affect that Member's participation being considered for a quorum.

**2.9 Open Public Meetings and Open Public Records:** The iPHD Project Governing Board shall be a public body for the purposes of the "Senator Byron M. Baer Open Public Meetings Act," P.L.1975, c.231 (C.10:4-6 et seq.), and shall conduct its business in accordance with the provisions of that act. All proceedings of the Governing Board shall be subject to the Open Public Records Law, P.L.2001, c.404 (C.47:1A-5 et al.).

**2.10 Attendance:** Members, or in the case of the ex officio Members their designee, are expected to participate in person in all meetings of the Board, though accommodations will be made for remote participation when extenuating circumstances warrant.

**2.11 Special Meetings:** Special meetings of the Board for any purpose or purposes shall be held at any time on the call of the Chairperson or any Member. Notification shall be made in writing to all Members with regard to the location of the meeting and the proposed purpose(s) for which it will convened. Open Public Meetings Act provisions for notification shall apply as noted in 2.9.

**2.12 Transaction of Business:** A meeting of Members shall conduct business only if a Quorum of Members shall be present. A Quorum shall be defined as a simple majority of the voting Members of the Board.

**2.13 Voting:** An affirmative simple majority vote of the Members present at a Board meeting at which a Quorum is present shall be necessary for the passage of any resolution, data consideration, or approval of a research project, unless otherwise provided by law or by these Bylaws. The Chairperson, their designee, or, in the absence of the Chairperson or designee, the Vice Chairperson if one is elected shall have the deciding vote in the event of a tie vote.

## ARTICLE III

### COMMITTEES

**3.1 Research Advisory Committee:** The Rutgers CSHP Director shall recommend qualified candidates and the Board shall appoint, by a simple majority vote, a Research Advisory Committee for the purpose of advising the Board on the quality and rigor of the proposals submitted for the Board's consideration. The Research Advisory Committee shall be comprised of at least five (5) individuals external to the Board with expertise in relevant areas of human subjects' research, analytic methods, and/or state administrative data sets. A majority of Research Advisory Committee Members shall be faculty and/or research staff from New Jersey research universities or New Jersey state agencies. In their review of proposed projects, the Research Advisory Committee shall consider (a) the extent to which a proposed project is consistent with the Research Agenda established by the Board, and (b) the degree to which the research project meets accepted standards of scientific rigor. The Board will consider, but not be bound by, the advice of the Research Advisory Committee before approving any application for data from the iPHD project. The Research Advisory Committee shall adopt procedures to avoid conflicts, or the appearance of conflicts, as described in section 2.8 "Conflicts".

**3.2 Ad Hoc Committee:** The Board from time to time may establish various ad hoc committees by resolution of a simple majority of the Members. Committee chairs shall be appointed by the Chairperson of the Board. Each ad hoc committee shall consist of one (1) or more of the Members of the Board and, except as otherwise provided in such resolution, may include any individual, within or outside of the Board, who is approved by the Chair of the Board.

**3.3 General Powers and Limitation of Committees:** All standing and ad hoc committees shall be directed by and accountable to the Board. Unless otherwise provided by these Bylaws or by resolution of the Board, each such committee shall be responsible for making suggestions and recommendations to the Board; provided, however, that such committee shall not under any circumstances have the power or authority to:

- a) Recommend dissolution of the Board or revocation of dissolution;
- b) Amend the Bylaws of the Board; and
- c) Fill vacancies in the Board.

## ARTICLE IV

### OFFICERS

**4.1 Chairperson:** The Chairperson or his/her designee shall preside over all meetings of the Members. The Chairperson shall perform such other duties as may be specified from time to time by the Members.

- 4.2 **Vice Chairperson:** In the event the Board chooses to elect a Vice Chairperson, the Vice Chairperson shall assume all responsibilities of the Chairperson during the absence of the Chairperson or the Chairperson's designee.
- 4.3 **Term of Officers:** Other than the Chair, Officers shall be elected to serve three (3) year terms, and no Officer may serve more than two (2) successive three (3) year terms.
- 4.4 **Vacancies:** A vacancy occurring in any office, for any reason, may be filled for the unexpired portion of the term of said office consistent with the original nominating authority according to the iPHD law.

## **ARTICLE V**

### **AMENDMENTS**

- 5.1 **Amendment of Bylaws:** Substantive amendments to these Bylaws must be approved by an affirmative simple majority vote of the Board at a Board meeting at which a Quorum is present following a formal recommendation of the Board.