

# THE GOVERNOR

## Title 4—ADMINISTRATION

### PART I. GOVERNOR'S OFFICE

[ 4 PA. CODE CHS. 6 AND 7a ]

[ EXECUTIVE ORDER NO. 2011-05 ]

### Enterprise Information Technology Governance

July 27, 2011

*Whereas*, commonwealth agencies under the governor's jurisdiction (enterprise) invest significant financial resources in obtaining, creating and supporting infrastructure and systems for the commonwealth's information technology (IT); and

*Whereas*, it is essential that the commonwealth utilize a central IT organization to govern, evaluate, coordinate and improve enterprise and agency IT planning, research, project prioritization, investment, and effectiveness; and

*Whereas*, The Administrative Code of 1929 requires administrative departments and several independent and departmental administrative boards to coordinate their work and activities with other departments, boards, and commissions; and

*Whereas*, IT investments and development efforts should be prioritized and coordinated across enterprise agencies to maximize efficiency and cost effectiveness, by enhancing information sharing and system compatibility through standardization, reducing expenditures for research and development, and enabling volume hardware and software purchases; and

*Whereas*, the Governor's Office of Administration (OA) and the Department of General Services have confirmed that an integrated IT strategy will improve organizational efficiency, streamline data collection and data sharing, and enhance the security of commonwealth IT infrastructure against the increasing risks posed by cyber attacks.

*Now, Therefore*, I, Tom Corbett, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws do hereby establish an enterprise IT governance structure within the Governor's Office of Administration, and order and direct as follows.



Governor

**Fiscal Note:** 2011-05. No fiscal impact; (8) recommends adoption.

#### Annex A

#### TITLE 4. ADMINISTRATION

#### PART I. GOVERNOR'S OFFICE

#### CHAPTER 6. ADDITIONAL COUNCILS AND COMMITTEES

#### Subchapter Q. (Reserved)

§§ 6.241—6.248. (Reserved).

#### CHAPTER 7a. ADDITIONAL MISCELLANEOUS PROVISIONS

#### Subchapter F. ENTERPRISE INFORMATION TECHNOLOGY GOVERNANCE

Sec.  
7a.71. Powers and duties.  
7a.72. Responsibilities.

- 7a.73. Effective date.  
 7a.74. Termination date.  
 7a.75. Rescission.

**§ 7a.71. Powers and duties.**

(a) With regard to information technology (IT) for agencies under the Governor's jurisdiction, the Governor's Office of Administration, Office for Information Technology (OA/OIT) will have responsibility for the following:

- (1) Developing and recommending to the Secretary of Administration priorities and strategic plans.
- (2) Consolidating infrastructure and support services.
- (3) Directing IT investments, procurement and policy.
- (4) Working to ensure that agencies comply with direction from OA/OIT regarding the provisions in this subsection.

(b) OA/OIT shall make recommendations to the Secretary of Administration regarding major changes to staffing and enterprise IT operational matters and otherwise has the authority to make enterprise decisions regarding the following:

- (1) Restructuring and operational matters related to IT consolidation.
- (2) Delivery of shared services.
- (3) Monitoring of project performance.
- (4) Other responsibilities within the scope of this subchapter.

**§ 7a.72. Responsibilities.**

The Office of Administration, through the Office for Information Technology (OA/OIT), will be responsible for the following:

- (1) *Governance and strategic planning.* OA/OIT shall create:

- (i) Annual enterprise information technology (IT) strategic plans including appropriate IT priorities, coordination and monitoring of resource use and expenditures, performance review measures, procurement and other governance and planning measures. OA/OIT shall review and approve individual agency IT strategic plans. OA/OIT shall consult with the Governor's Office of the Budget on budgetary matters relating to IT planning and procurement.

- (ii) An advisory structure, which may include agency Chief Information Officers (CIO), to advise OA/OIT regarding overall technology governance.

- (2) *Portfolio and project management, business process review.* OA/OIT shall:

- (i) Establish an IT portfolio management process for overall monitoring of IT program objectives, project alignment, budgets and expenditures.

- (ii) Identify common IT business functions within agencies, make recommendations for consolidation and integration and facilitate the use of common technology.

- (iii) Expand enterprise and agency use of project management methodologies and principles on IT projects, including measures to review project delivery and quality.

- (iv) Ensure agency compliance with the completion of required business process reviews as part of an agency or enterprise IT project.

- (3) *IT procurement and contract management.* A procurement organization within OA/OIT shall issue and support IT procurements for hardware, software and services. The procurement organization shall:

- (i) Negotiate, approve, issue and oversee IT solicitations, contracts contract amendments, renewals, work orders and change orders.

(ii) Determine appropriate technology and procurement methodology.

(4) *IT human resource management.*

(i) OA/OIT shall establish a direct reporting relationship of each executive agency CIO to the Commonwealth CIO.

(ii) The Commonwealth CIO will be responsible for final approval of agency IT senior management appointments. In consultation with each executive agency, the Commonwealth CIO will conduct performance reviews of executive agency CIOs.

(5) *IT enterprise standards.* OA/OIT shall:

(i) Establish an enterprise architecture framework and deploy enterprise-wide IT to do the following:

(A) Establish policies, processes and product standards.

(B) Perform technical reviews of agency systems.

(C) Review and make determinations of requests for exceptions to IT standards.

(ii) Develop and implement enterprise-wide efforts to standardize data elements and determine data ownership assignments.

(iii) Create and maintain a comprehensive enterprise IT inventory.

(iv) Monitor agency policy and standards compliance through an architectural review process and audits.

(6) *IT consolidation and services.* OA/OIT shall:

(i) Recommend and conduct the consolidation of agency IT services including infrastructure, personnel, operations and support services.

(ii) Establish and facilitate a process for the regular identification of IT shared services.

(iii) When consolidation occurs, develop and maintain service level agreements with client agencies to ensure that quality products and services are delivered.

(7) *Telecommunications and geospatial technologies governance.* To the extent that the following is not already incorporated in the enterprise annual strategic plan, OA/OIT shall establish a process for the development and implementation of:

(i) Enterprise telecommunications policy, services, infrastructure and also review and authorize requests for enhanced services.

(ii) IT services for geospatial technologies.

**§ 7a.73. Effective date.**

This subchapter takes effect immediately.

**§ 7a.74. Termination date.**

This subchapter will remain in effect unless revised or rescinded by the Governor.

**§ 7a.75. Rescission.**

Executive Order 2004-08 as Amended is rescinded.

[Pa.B. Doc. No. 11-1717. Filed for public inspection October 7, 2011, 9:00 a.m.]

**PART I. GOVERNOR'S OFFICE**  
**[ 4 PA. CODE CH. 6 ]**  
**[EXECUTIVE ORDER NO. 2011-04]**  
**Pennsylvania eHealth Collaborative**

July 27, 2011

*Whereas*, the privacy and security of all Pennsylvanians' health information is a priority of paramount importance to the government of this commonwealth; and

*Whereas*, patient safety and clinical and public health outcomes will be substantially improved by the ability to securely share health information electronically between healthcare providers; and

*Whereas*, the use of secure electronic health information sharing capabilities will significantly reduce preventable medical errors, lessen the likelihood of redundant tests and procedures, support healthcare delivery innovation, and diminish overall healthcare costs; and

*Whereas*, the Office of the National Coordinator for Health Information Technology (ONC), within the Office of the Secretary for the United States Department of Health and Human Services (HHS), is legislatively mandated, by the Health Information Technology for Economic and Clinical Health Act (HITECH Act) of 2009, to support the adoption of health information technology and the promotion of a nationwide health information network to improve healthcare; and

*Whereas*, the HITECH ACT provides funding through ONC for the development of statewide health information exchange (HIE) capabilities and to support other health information technology (HIT) related activities; and

*Whereas*, increased use of health information technology and electronic health records, to improve healthcare delivery, is in the best interests of the citizens, residents and healthcare consumers of Pennsylvania.

*Now, Therefore*, I, Tom Corbett, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws, do hereby establish the Pennsylvania eHealth Collaborative as hereinafter set forth.



Governor

**Fiscal Note:** 2011-04. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 4. ADMINISTRATION**  
**PART I. GOVERNOR'S OFFICE**

**CHAPTER 6. ADDITIONAL COUNCILS AND COMMITTEES**

**Subchapter AA. (Reserved)**

**§§ 6.341—6.347. (Reserved).**

**Subchapter JJ. PENNSYLVANIA eHEALTH COLLABORATIVE**

- |        |                                |
|--------|--------------------------------|
| Sec.   |                                |
| 6.451. | Purpose.                       |
| 6.452. | Composition.                   |
| 6.453. | Cooperation by State agencies. |
| 6.454. | Effective date.                |
| 6.455. | Termination date.              |
| 6.456. | Rescission.                    |

**§ 6.451. Purpose.**

The purpose of the Pennsylvania eHealth Collaborative is to improve healthcare delivery and healthcare outcomes in this Commonwealth by providing, as appropriate, leadership and strategic direction for public and

private, Federally-funded and State-funded investments in health information technology initiatives, including health information exchange capabilities and other related health information technology initiatives. This strategic direction shall take into consideration external stakeholder community needs, complement Commonwealth agency operations and ensure ongoing interagency cooperation.

**§ 6.452. Composition.**

The Pennsylvania eHealth Collaborative (Collaborative) will consist of an executive council, an advisory committee and the Pennsylvania eHealth Collaborative Office. Each entity will be responsible for fulfilling specific activities in this section necessary to support the Collaborative, as well as working cooperatively with the General Assembly for the benefit of the citizens, residents and healthcare consumers in this Commonwealth.

(1) *Pennsylvania eHealth Collaborative Executive Council.* The Pennsylvania eHealth Collaborative Executive Council (Executive Council) shall be responsible for establishing an overall policy and strategic direction for the Collaborative.

(i) *Composition.* The Executive Council will be comprised of the heads of the following Commonwealth agencies or designees:

- (A) Department of Health.
- (B) Department of Public Welfare.
- (C) Department of Aging.
- (D) Insurance Department.
- (E) Office of Administration.
- (F) Governor's Policy Office.

(ii) *Chairperson.* The Governor will designate a member of the Executive Council to serve as its Chairperson. The Chairperson shall be responsible for convening meetings and conducting business and shall be assisted in these duties by the State Health Information Technology (HIT) Coordinator.

(2) *Pennsylvania eHealth Collaborative Advisory Committee.* The Pennsylvania eHealth Collaborative Advisory Committee (Advisory Committee) will be established for the limited purpose of providing recommendations and input on strategies and issues to the Executive Council through the eHealth Collaborative Office. The Advisory Committee will not have authority to make binding recommendations.

(i) *Composition.* The Advisory Committee will consist of the following members:

- (A) The State HIT Coordinator.
- (B) A minimum of 25 and a maximum of 35 appointees, representing the interests of a broad spectrum of the healthcare stakeholder community, patients, providers and payers who shall be chosen by and serve at the pleasure of the State HIT Coordinator, in consultation with the Executive Council.

(ii) *Chairperson.* The State HIT Coordinator, in consultation with the Advisory Committee, will designate a Chairperson. The Chairperson shall be responsible for convening meetings and conducting business.

(iii) *Committees.* The Advisory Committee may establish standing and ad hoc committees as necessary to perform its duties. Chairpersons of the committees shall be members of the Advisory Committee and be appointed by the State HIT Coordinator in consultation with the full Advisory Committee. Standing and ad hoc committee members may be selected from the broad healthcare stakeholder community without regard to membership on the Advisory Committee.

(3) *Pennsylvania eHealth Collaborative Office.* The Pennsylvania eHealth Collaborative Office will be managed by the State HIT Coordinator, who will direct day-to-day management, development and implementation of recom-

mentations made by the Collaborative. This office will be located within the Office of Administration, Office for Information Technology and report to the Deputy Secretary for Information Technology.

**§ 6.453. Cooperation by State agencies.**

Agencies under the Governor's jurisdiction shall, to the extent possible, cooperate with and provide assistance and support as needed by the Pennsylvania eHealth Collaborative to carry out its functions effectively, as requested by the Secretary of Administration.

**§ 6.454. Effective date.**

This subchapter takes effect immediately.

**§ 6.455. Termination date.**

This subchapter will remain in effect unless revised or rescinded by the Governor.

**§ 6.456. Rescission.**

Executive Order 2008-03 is rescinded.

[Pa.B. Doc. No. 11-1718. Filed for public inspection October 7, 2011, 9:00 a.m.]

**PART I. GOVERNOR'S OFFICE**  
**[ 4 PA. CODE CHS. 7 AND 7a ]**  
**[ EXECUTIVE ORDER NO. 2011-06 ]**  
**Commonwealth Licensee Tax Responsibility Program**

September 15, 2011

*Whereas*, the public relies upon commonwealth licensing agencies for a level of assurance that license applicants and licensees will conduct business in a reputable manner, are in good standing within the commonwealth, and are in compliance with applicable laws and licensure requirements; and

*Whereas*, the commonwealth requires an efficient and dependable program to identify business licenses and/or applicants for business licenses who have not met their state tax obligations, in order to safeguard the public trust in commonwealth licensing and to ensure that the economic business privilege delivered through such licensing is appropriately granted; and

*Whereas*, establishing an effective program to encourage business licensees and applicants for business licenses to voluntarily and promptly comply with the tax laws of the commonwealth will minimize disruption to operations of state agencies and their respective licensees.

*Now, Therefore*, I, Tom Corbett, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws, do hereby order as follows.

*Governor*

**Fiscal Note:** 2011-06. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 4. ADMINISTRATION**

**PART I. GOVERNOR'S OFFICE**

**CHAPTER 7. MISCELLANEOUS PROVISIONS**

**Subchapter YY. (Reserved)**

**§§ 7.821—7.827. (Reserved).**

**CHAPTER 7a. ADDITIONAL MISCELLANEOUS PROVISIONS**

**Subchapter E. LICENSEE TAX RESPONSIBILITY PROGRAM**

Sec.  
7a.51. Establishment.  
7a.52. Licensee Tax Responsibility Committee.



- 7a.53. Cooperation with chief administrators.
- 7a.54. Notice to licensing agency.
- 7a.55. Confidentiality of records.
- 7a.56. Limitation on use of information.
- 7a.57. Participation by State agencies.
- 7a.58. Effective date.
- 7a.59. Termination date.
- 7a.60. Rescission.

**§ 7a.51. Establishment.**

The Secretary of Revenue shall develop and operate a Licensee Tax Responsibility Program to identify any applicants for the issuance or renewal of State-issued licenses who have not timely reported or paid State taxes due and owing to the Commonwealth.

**§ 7a.52. Licensee Tax Responsibility Committee.**

The Secretary of Revenue shall establish a Licensee Tax Responsibility Committee (Committee) to oversee the Licensee Tax Responsibility Program. The Committee will consist of representatives of the Department of Revenue, the Department of Labor and Industry, the Department of State and the Office of General Counsel and other agencies as the Governor may direct from time to time. The Committee shall make an annual report to the Governor.

**§ 7a.53. Cooperation with chief administrators.**

The chief administrators of all Commonwealth agencies under the Governor's jurisdiction shall cooperate with the Secretary of Revenue (Secretary) in implementing the Licensee Tax Responsibility Program (Program) by providing the Secretary with:

(1) The necessary information regarding business licensees and applicants for business licenses of the agency including the applicant's State Personal Income Tax identification number, State Sales Tax number, State Corporation Tax number, State Employer Withholding Tax number and Unemployment Compensation account number on not less than an annual basis.

(2) A statement signed by each licensee and applicant for license under penalty of perjury, indicating that all State tax reports have been filed and paid or, in the alternative, that a deferred payment plan is currently in effect. Commonwealth agencies under the Governor's jurisdiction are directed to utilize license application, renewal or transfer forms, or both, that include an express waiver by the applicant regarding confidentiality of the subject Commonwealth tax information, for the limited purpose of the Commonwealth executive agency providing information to the Department of Revenue and the Department of Labor and Industry, to be used solely in connection with the Program. This signed waiver is to shield Commonwealth agencies from legal actions arising from the utilization of otherwise confidential State tax information.

**§ 7a.54. Notice to licensing agency.**

The Secretary of Revenue shall issue a notice to the licensing agency indicating those licensees and applicants who have unresolved State tax obligations on not less than an annual basis.

**§ 7a.55. Confidentiality of records.**

Agencies, officers and employees shall treat records and files disclosed by the Department of Revenue as confidential and privileged to the extent provided by law and may disclose tax information only as authorized by law. The failure of any agency employee to implement standards safeguarding confidential State tax information will render the employee subject to sanctions as described in statutes dealing with the confidentiality of State tax information. See section 731 of The Fiscal Code (72 P.S. § 731), regarding confidential information.

**§ 7a.56. Limitation on use of information.**

Use of Commonwealth tax information that is compiled or created under this subchapter is limited to the following:

(1) Collection of Commonwealth tax delinquencies from existing licensees in relationship to the renewal or transfer of their existing State license or from applicants for these licensees.

(2) Notification to a Commonwealth executive agency of the identity of applicants or existing licensees who have not filed Commonwealth tax returns, which notification constitutes a permissible purpose to disclose that information between various Commonwealth executive and independent agencies and the Department of Revenue and the Department of Labor and Industry. Exchange of otherwise confidential information falls within the “official purposes” exception of section 731 of The Fiscal Code (72 P. S. § 731). See *Frontage, Inc. v. Allegheny County*, 162 A. 2d 1, 400 Pa. 249 (1960) and 1990 Op. Att. Gen. No. 90-1.

**§ 7a.57. Participation by State agencies.**

Agencies, officers and employees under the Governor’s jurisdiction shall fully and actively participate in the Licensee Tax Responsibility Program. Agencies outside of the purview of this subchapter are strongly encouraged to participate.

**§ 7a.58. Effective date.**

This subchapter takes effect immediately.

**§ 7a.59. Termination date.**

This subchapter will remain in effect unless revised or rescinded by the Governor.

**§ 7a.60. Rescission.**

Executive Order 2006-03 is rescinded.

[Pa.B. Doc. No. 11-1719. Filed for public inspection October 7, 2011, 9:00 a.m.]