

ONC TEFCA

Recognized Coordinating Entity

Monthly Informational Call

June 16, 2020



ONC
TEFCA
RECOGNIZED
COORDINATING
ENTITY

This project is supported by the Office of the National Coordinator for Health Information Technology (ONC) of the U.S. Department of Health and Human Services (HHS) under 90AX0026/01-00 Trusted Exchange Framework and Common Agreement (TEFCA) Recognized Coordinating Entity (RCE) Cooperative Agreement. This information or content and conclusions are those of the author and should not be construed as the official position or policy of, nor should any endorsements be inferred by ONC, HHS or the U.S. Government.

Agenda

- Welcome
- Common Agreement Work Group
- QHIN Metrics and Reporting
- TEFCA Value Proposition
- Next Steps
- Questions and Answers

Meet the RCE Team



Mariann Yeager
CEO
The Sequoia Project



Steve Gravely
Founder & CEO
Gravely Group



Stephanie Rizk
Manager, Health IT Policy
RTI International



Chantal Worzala
Principal,
Alazro Consulting

ONC TEFCA RCE Progress

Common Agreement

- Completed ONC-RCE contract language review sessions
- Completed MRTC policy topic research
- Drafted and reviewed ARTCs with ONC
- Launched Common Agreement Work Group (CAWG)
- Assembled initial working draft of Common Agreement for CAWG review

Stakeholder Engagement

- Launched stakeholder engagement in November '19
- Facilitated more than two dozen stakeholder meetings
- Started monthly informational calls in April, with strong stakeholder interaction
- Building understanding and value proposition for TEFCA
- Planning for next phase

QHIN Technical Framework (QTF)

- Facilitated public input to inform the QTF
- Defined scope (document-based queries and message delivery, with FHIR v4 as road map)
- Submitted Draft QTF v2 and reviewed with ONC
- Submitted revised Draft QTF v2 to ONC on 6/5/20
- ONC review under way

Common Agreement Work Group

CAWG Work Plan Schedule – Where We Are

Date	Session #	Topic	Draft CA Sections
4/1	1	Kickoff Meeting	--
4/15	2	Governance Structure	--
5/13	3	New Definitions; Cooperation & Non-Discrimination; Specific QHIN Obligations; QHIN Privacy & Security	Sections 1, 5, 9, & 8
5/27	4	General Obligations; Specific Participant Obligations; Specific Subparticipant Obligations	Sections 10, 11, & 12
6/10	5	Contract Administration (specifically Governing Law & Amendment); Fees	Sections 15, 16
6/24	6	Accountability; Dispute Resolution; Stability of QHIN Network; Governance	Sections 6, 13, 14
7/8	7	Cont: Accountability; Dispute Resolution; Stability of QHIN Network; Governance	Sections 6, 13, 14
7/22	8	Follow up discussion on key provisions	

All Sessions are currently anticipated to be virtual.

Additional Required Terms and Conditions (ARTC) CAWG Feedback

- Cooperation
- Compliance with Standard Operating Procedures

QHIN Cooperation Language

Signatory understands and acknowledges that numerous activities with respect to this Common Agreement will likely involve other QHINs and their respective Participants and Participant Members and employees, agents, and third-party contractors, vendors, or consultants of each of them. To the extent not legally prohibited, Signatory shall, and shall ensure that its Participants and their Participant Members, are legally obligated to:

QHIN Cooperation Language

- i. Respond within three (3) business days to inquiries from the RCE or other QHINs about possible issues related to their Exchange of information via the exchange activities under the Common Agreement;
- ii. Collaboratively participate in discussions coordinated by RCE to address differing interpretations of requirements in this Common Agreement, the QTF, or any SOP prior to pursuing the Dispute Resolution Process;
- iii. Make reasonable efforts to notify RCE and other QHINs as appropriate when persistent and widespread connectivity failures are occurring with those QHINs or their Participants or Participant Members so that all those affected can investigate the problems and identify the root cause(s) of the connectivity failures;
- iv. Work cooperatively including, without limitation, facilitating contact between other QHINs or their Participants or Participant Members and Signatory's Participants or,-Participant Members to address the root cause(s) of persistent and widespread connectivity failures;

QHIN Cooperation Language

- v. Subject to Signatory's right to restrict or condition its cooperation or disclosure of information in the interest of preserving privileges in any foreseeable Dispute or litigation or protecting Signatory's Confidential Information, provide reasonable information (or direct its Participants or Participant Members to do so) to other QHINs in support of collaborative efforts to resolve issues or Disputes;
- vi. Require that Signatory's Participants or Participant Members will provide information and other relevant assistance to others in connection with this Section 5.1;
- vii. Subject to Signatory's right to restrict or condition its cooperation or disclosure of information in the interest of preserving privileges in any foreseeable litigation or protecting Signatory's Confidential Information, provide reasonable information to aid the efforts of other QHINs or their respective Participants or Participant Members to understand, contain, and mitigate a Breach, at the request of such other QHINs or their respective Participants or Participant Members; and

QHIN Cooperation Language

- vi. Subject to Signatory's right to restrict or condition its cooperation or disclosure of information in the interest of preserving privileges in any foreseeable litigation or protecting Signatory's Confidential Information, disclose to the RCE information that Signatory, or its Participants or Participant Members, may have that relates to the following:
 - a) EHR-related adverse events, hazards, and other unsafe conditions;
 - b) cybersecurity risk information sharing programs or other organized activities related to cybersecurity; or
 - c) specific identified security flaws in the operation of the QHIN that may require the QHIN or its Participants to take specific steps to protect the security of their information technology systems and would not otherwise fall into subsection (ii).

QHIN Cooperation Language

In no case shall Signatory be required to disclose EHI or other information in violation of Applicable Law. In seeking cooperation, Signatory shall make all reasonable efforts to accommodate the other QHIN's(') schedules and reasonable operational concerns. The costs of cooperation shall be borne by the cooperating party and shall not be charged to the RCE or other QHINs.

CAWG Feedback Regarding Cooperation ARTC

- Concern that the scope of some of the information listed is overly broad leading some QHINs to be reluctant to share some of the required information with the RCE
- The 3 business day response time for responding to queries from the RCE or other QHINs about operation of the network may be too short in some instances and too long for others
- Define what is meant by “response” (e.g. acknowledgment vs provision of substantive information)
- Concerns about the required disclosures about EHR-related adverse events, hazards, and other unsafe conditions, cybersecurity or security flaws

Compliance with Standard Operation Procedures

Compliance with Standard Operating Procedures

The RCE shall adopt Standard Operating Procedures (SOPs) to provide detailed guidance on specific aspects of the Exchange activities under this Common Agreement.

Signatory shall comply with all SOPs that are applicable to it and require that its Participants and Participant Members comply with all applicable SOPs.

In the event of a conflict between the terms of this Common Agreement and an SOP, the terms of this Common Agreement shall control.

If Signatory or its Participants or Participant Members fails to comply with any applicable SOP, the RCE may take corrective action, which will include requiring steps to bring the organization into compliance with the SOP, requiring Signatory to suspend the ability of a Participant or Participant Member to Exchange information under the Common Agreement, suspending Signatory's right to Exchange information under the Common Agreement or, in extreme cases, the Signatory or its Participant or Participant Member may have its right to Exchange information under the Common Agreement terminated. RCE shall adopt a SOP that provides detailed information about sanctions for non-compliance with an SOP.

CAWG Feedback Regarding Compliance with SOPs

- CAWG members recognize the important role of SOPs to address details that should not be included in the Common Agreement
- Concern with how SOPs will be developed and whether QHINs will have a meaningful role in the development and updating SOPs

QHIN Metrics & Reporting

QHIN Metrics

- “Roadmap” document outlining a process and recommendations related to QHIN measurement requirements is under discussion with ONC.
- Currently working on revisions and additional details; to be completed by the end of the month.
- Next steps (target dates): Review by ONC (June), Targeted stakeholder feedback (July/August), Public feedback (August-December).

RCE Monitoring and Ongoing Surveillance

- Determine appropriate metrics for QHINs to report to the RCE
 - Demonstrate compliance
 - Measure process and outcomes
 - Include appropriate reporting timeframes
- Evaluate whether applicants meet the definition of a QHIN
- Confirm that applicants satisfy the requirements of the Common Agreement and QHIN Technical Framework
- Collect metrics from QHINs
- Collect breach notifications from QHINs and report to ONC
- Monitor ongoing QHIN compliance with the Common Agreement requirements and future updates

Monitoring and Reporting Framework

1. Onboarding & QHIN Rollout
2. Ongoing Compliance
3. Network Performance & Integrity
4. QHIN Network Security

Stakeholder Engagement

Update on RCE Stakeholder Engagement Plan

- **Year 1 progress through March 2020**
 - Phase 1 (Nov – Dec 2019): Initial outreach, engagement and education - Completed
 - Phase 2 (Jan – Mar 2020): Socialize concepts and enlist input - Completed
 - 26 public feedback meetings with 2,500 participants
- **What Comes Next**
 - Phase 3: Progress updates, outreach/education for specific groups, focus on value proposition, solicit input on specific topics
 - Phase 4: Solicit input on published CA and QTF generally and from specific groups, educate on operational issues, progress updates

Key Stakeholders to Engage



Targeted Outreach

- Healthcare providers across the continuum
- Health information networks
- Technology service providers
- Payers and purchasers
- Consumer groups
- Local governments and public health
- State governments
- Federal agencies

National and state associations included where appropriate

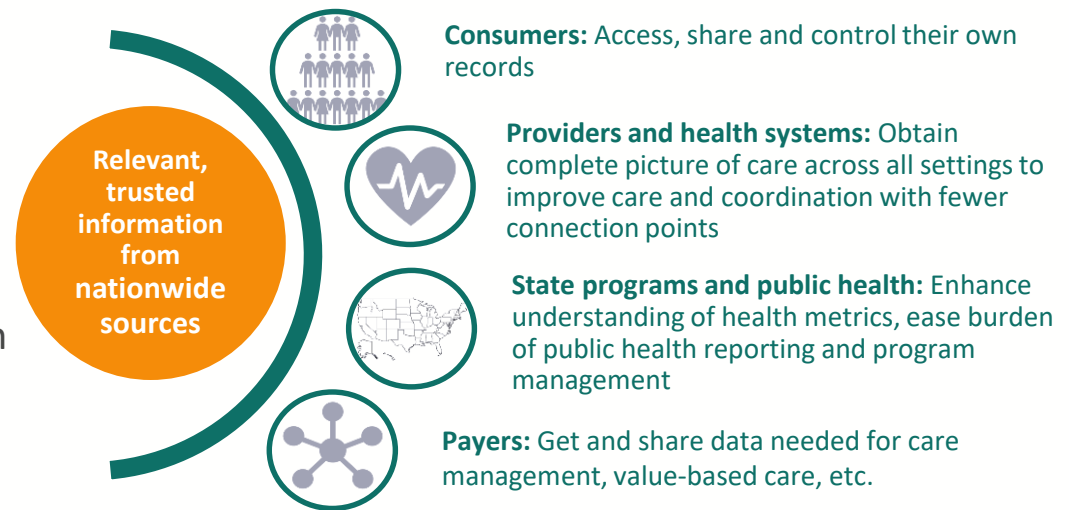
Continuum of Providers



TEFCA Value Proposition

- **Overall value proposition**
 - Benefits of nationwide scale
 - Benefits of single on-ramp
 - Benefits of standardized approaches to trust frameworks and technical standards
- **Implications unique to stakeholder groups**
 - Health information networks
 - Providers
 - Local government and public health
 - Consumers
 - Payers
 - State government
- **Build from stakeholder views**

Benefits of TEFCA



What's Next?

- Facilitate CAWG Calls through July 2020
- Prepare and submit Common Agreement Draft v1 to ONC
- Work with ONC to refine QTF Draft v2 as needed
- Launch next phase of Stakeholder Engagement
- Continue to draft metrics and proposed QHIN reporting requirements
- Facilitate public stakeholder feedback meeting regarding metrics

Get involved: <https://rce.sequoiaproject.org/contact/>



Questions & Answers