Health IT Policy Comment Letter

The Sequoia Project

Trusted Exchange Framework and Common Agreement (TEFCA)

Elements of the Common Agreement

October 18, 2021

HCA Healthcare℠

For Your Consideration

We at HCA Healthcare appreciate the opportunity to contribute feedback representing the perspectives of health care providers and wish to emphasize the vital importance of securing adoption and trust in the tools they leverage to best support care delivery.

We believe the Trusted Exchange Framework and Common Agreement (TEFCA) must serve to deliver timely results and reliable performance that providers will trust.

Comments on the Elements of the Common Agreement

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Privacy

We appreciate the desire of the Recognized Coordinating Entity (RCE) to "promote trust" by extending HIPAA-like privacy protections to Non-HIPAA Entities engaged with the network. However, the Individual Access Services (IAS) Exchange Purpose would allow IAS Providers to make requests on behalf of individuals, but it is unclear what level of privacy protections each entity engaged in TEFCA Information exchange would be required to follow. HCA Healthcare believes that patient privacy and trust is paramount to the success of TEFCA – privacy in the network will only be as strong as its weakest link. We strongly encourage the RCE to require robust, HIPAA-like, enforceable protections of every entity that touches TEFCA Information that is individually identifiable.

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Exchange Purposes

We encourage the RCE to work with stakeholders to develop clear protocols for verifying the legitimacy of each request under each Exchange Purpose, including the requester and their compliance with requirements under the Common Agreement and other Framework Agreements. For each Exchange Purpose, we suggest establishing logical regulatory boundaries such as HIPAA's minimum necessary requirement so that all Participants, including the patients whose data is exchanged across the network, will trust that there will be no unintended consequences resulting from excess data being shared unnecessarily. Additionally, we believe that required responses to each Exchange Purpose must be clearly defined to ensure consistent compliance across participating entities.

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Conclusion

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We greatly appreciate the opportunity to collaborate with you on these important health IT policy issues. Our responsibility is to serve the healthcare industry by sharing our experiences and showing our support or recommending alternatives accordingly.

Jim Jirjis, M.D., MBA, FACP, Vice President and Chief Health Information Officer