



ONC
TEFCA
RECOGNIZED
COORDINATING
ENTITY

Standard Operating Procedure (SOP): Advisory Groups

Applicability: RCE, Governing Council (or Transitional Council)

1 COMMON AGREEMENT REFERENCES

The Common Agreement at Section 3.5 states as follows: “The RCE, in consultation with the Governing Council and ONC, may establish ‘Advisory Groups,’ from time to time, for purposes of seeking input from distinct groups of stakeholders that are parties to or affected by activities under the Framework Agreements to better inform the governance process, provide input on certain topics, and promote inclusivity. The process for establishing Advisory Groups and selecting members is set forth in the applicable SOP.”

2 PURPOSE

This SOP sets out the way in which Advisory Groups will be established and the general rules that govern the activity of an Advisory Group. The RCE and the Governing Council may choose to use Advisory Groups in a variety of ways including, but not limited to, the following: giving feedback on possible changes to the Common Agreement, the QTF, or an SOP; or, providing feedback on new Exchange Purposes. These are meant as examples only and should not be considered to limit the manner in which the RCE may choose to use Advisory Groups.

3 PROCEDURE

1. **Establishing an Advisory Group.** An Advisory Group can be established in one of two ways.
 - A. By the RCE. If the RCE determines that input from stakeholders involved in the exchange of TI under the CA is desirable, it may choose to establish one, or more, Advisory Group. The RCE shall consult with ONC and with the Governing Council, or the Transitional Council until such time as the Governing Council is established, before the RCE establishes an Advisory Group for the purpose of obtaining input. The RCE is not required to obtain affirmative approval from ONC or the relevant Council, as the case may be, but the RCE shall carefully consider ONC’s feedback, if any, and the Council’s feedback before establishing an Advisory Group.
 - B. On motion of the Governing Council (or Transitional Council). The Governing Council, or the Transitional Council until such time as the Governing Council is established, has the authority to recommend to the RCE that an Advisory Group should be convened. Any recommendation by the Council shall be made by way of a motion that is duly adopted by the Council in accordance with the voting

requirements in the CA. The RCE shall, after consultation with ONC, create the Advisory Group upon recommendation of the Council unless the RCE can demonstrate that creating the Advisory Group would result in material disruption in the operation of the TEFCA Network or be a needless use of resources.

2. **Advisory Group Charter.** The RCE shall develop a draft Charter for every Advisory Group that is established. The Charter shall, at a minimum, address the following:
 - (a) A clear description of the purpose of the Advisory Group, being as specific as possible for clarity without unduly limiting the ability of the Advisory Group to do its work.
 - (b) A schedule for the Advisory Group meetings and, if known, an anticipated end date for the work of the Advisory Group.
 - (c) Identify, to the extent possible, any specific deliverables that the Advisory Group is expected to provide to the RCE and/or the Council.
 - (d) Identify to whom the Advisory Group shall report. Options include the RCE, the Council, or some other group.
 - (e) A description of how the Advisory Group will conduct its business in terms of preparing draft deliverables, review and editing of deliverables, the opportunity for Advisory Group members to comment on draft deliverables, voting on matters submitted to the Advisory Group, and approval of any deliverables.
 - (f) The manner in which the Advisory Group will decide whether public input is needed for the matter(s) that the Advisory Group is considering and the manner of obtaining public input if it is determined necessary.

3. **Composition of an Advisory Group.** The RCE shall work with the Governing Council, or the Transitional Council until such time as the Governing Council is established, to identify the appropriate composition of an Advisory Group, which will vary depending upon the exact issue(s) that the Advisory Group is expected to address. The RCE shall have final authority on the composition of any Advisory Group. The following principles shall guide the composition of any Advisory Group:
 - (a) Diversity. The Advisory Group membership shall reflect the diversity of the types of individuals/entities impacted by activities under the Framework Agreements. This means that different perspectives shall be sought out and incorporated into the Advisory Group membership. This also means that the Advisory Group should endeavor to select individuals to serve on an Advisory Group who reflect diversity of thought, race, gender, and ethnicity.

- (b) Expertise. Members of an Advisory Group shall have a demonstrated expertise in the subject(s) for which the Advisory Group has been developed.
 - (c) Availability. Individuals considered for service on an Advisory Group must have the time to engage with the Advisory Group. An expert who is not available to participate in the work of the Advisory Group is of limited value to the Advisory Group.
 - (d) Objectivity. Individuals who serve on an Advisory Group are expected to have opinions about the issue(s) being considered by the Advisory Group, however they must agree to exercise objectivity in their deliberations as Advisory Group members.
4. **Conduct of an Advisory Group.** It is beneficial for all Advisory Groups to conduct their business along established principles of order to promote transparency and trust in the outcomes of the Advisory Group. Therefore, all Advisory Groups shall follow the following principles, which are consistent with Roberts Rules of Order.
- A. Select a Presiding Officer. Each Advisory Group shall select one member to serve as its Presiding Officer. The Presiding Officer will function as the chairperson of the Advisory Group and shall oversee all meetings of the Advisory Group. The Advisory Group shall also select an alternate Presiding Officer to serve if the Presiding Officer is not available for any reason.
 - B. Advisory Group Meetings. Meetings of the Advisory Group shall be conducted in an organized and orderly manner. The Presiding Officer is responsible for conducting all meetings in a way that promotes efficiency, transparency and inclusiveness of all perspectives on any matter being considered. It is expected that the actions of an Advisory Group will be memorialized in some manner for future reference but the precise manner is left to each Advisory Committee. By way of example only, meeting minutes, meeting notes, slide decks or recordings could all be acceptable.
 - C. Quorum and Voting. A simple majority, 51%, of the Advisory Group members shall constitute a quorum. Advisory Group members must be present in-person, or virtually as permitted by the Advisory Group's charter, to constitute a quorum. A simple majority, 51%, of the members present and voting once a quorum has been established shall constitute approval of an item by the Advisory Group.
 - D. Communications. The Advisory Group will, probably, conduct much of its business via e-mail and draft documents. The Presiding Officer shall ensure that all members are provided timely access to e-mails, draft documents, and other materials that they require.

- E. No Compensation. Individuals who serve on any Advisory Group shall not be entitled to any compensation from the RCE or any other source for their service. Compensation received by the individual's employment or contractor relationship shall not be considered prohibited compensation.
 - F. Conflicts of Interest. Individuals who serve on any Advisory Group shall actively avoid anything that could create an actual or a perceived conflict of interest with their service. Please refer to the Conflict of Interest SOP for additional detail.
5. **RCE Support**. The RCE shall provide staff and other resources reasonably necessary to support the operation of the Advisory Group.

This program 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 grant number 90AX0026, Trusted Exchange Framework and Common Agreement - Recognized Coordinating Entity (RCE) Cooperative Agreement Program, in the amount of \$2,919,000 with 100 percent funded by ONC/HHS. 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.