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ENTITY

# Standard Operating Procedure (SOP): Types of Entities That Can Be a Participant or Subparticipant in TEFCA

Applicability: RCE; Prospective Participants and Subparticipants

Note: Since QHINs must go through a Designation process with the RCE, the list below of types of entities that can be a Participant or Subparticipant does not apply to QHINs.

## 1 COMMON AGREEMENT REFERENCES

Capitalized terms used below without definitions shall have the respective meanings assigned to such terms in the Common Agreement.

**Section 9 (first paragraph): TEFCA Exchange Activities:** “In addition to the requirements below, a QHIN, Participant, or Subparticipant may only Request information under the applicable Framework Agreement for a specific Exchange Purpose if the QHIN, Participant, or Subparticipant is the type of person or entity that is described in the definition of the applicable Exchange Purpose. Such a QHIN, Participant, or Subparticipant may use a Business Associate, agent, or contractor to make such a Request, Use, or Disclosure for the applicable Exchange Purpose. For example, only a Health Care Provider as described in the definition of Treatment (or a Business Associate, agent, or contractor acting on that Health Care Provider’s behalf) may Request information for the Exchange Purpose of Treatment.”

### **Definitions:**

**Participant:** to the extent permitted by applicable SOP(s), a U.S. Entity regardless of whether the entity is a Covered Entity or a Business Associate, that has entered into a Participant-QHIN Agreement whereby the QHIN agrees to transmit and receive information via QHIN-to-QHIN exchange on behalf of the party to the Participant-QHIN Agreement for the Exchange Purposes.

**Subparticipant:** to the extent permitted by applicable SOP(s), a U.S. Entity regardless of whether the entity is a Covered Entity or Business Associate, that has entered into either: (i) a Participant-Subparticipant Agreement to use the services of a Participant as described in Section 9 of this Common Agreement to send and/or receive information; or (ii) a Downstream Subparticipant Agreement pursuant to which the services of a Subparticipant are used as described in Section 9 of this Common Agreement to send and/or receive information.

## 2 PURPOSE

This SOP specifies the types of entity that can be a Participant or Subparticipant in TEFCA, which clarifies language included in the Common Agreement. The Common Agreement language from Section 9 explains that in order for a Participant or Subparticipant to Request information under the applicable Framework Agreement for a specific Exchange Purpose, the Participant or Subparticipant must be the type of entity that is described in the definition of the applicable

Exchange Purpose. However, the Common Agreement does not list specific types of entities that would qualify to be a Participant or Subparticipant, but rather referred in those definitions to SOP(s) for further requirements regarding entities that could be Participants or Subparticipants.

Providing this type of clarity will be valuable to QHINs, Participants, and Subparticipants in determining whether or not to sign Framework Agreements to exchange information in TEFCA with different entities.

### 3 ENTITIES THAT CAN BE A PARTICIPANT OR SUBPARTICIPANT IN TEFCA

If an entity is not of a type that is entitled to request information under one or more of the Exchange Purposes, it shall not qualify as a Participant or Subparticipant for purposes of any Framework Agreement.

Without limitation of the foregoing, only an entity that is one or more of the following types shall be permitted to be a Participant or a Subparticipant:

- (i) a Covered Entity (or a Business Associate acting on its behalf for the Exchange Purpose of the Covered Entity);
- (ii) a Government Health Care Entity (or an agent or contractor of the Government Health Care Entity acting on its behalf for the Exchange Purpose of the Government Health Care Entity);
- (iii) a Health Care Provider (or the Health Care Provider's agent or contractor acting on its behalf for the Exchange Purpose of the Health Care Provider) but not a Covered Entity or a Government Health Care Entity;
- (iv) a federal, state, local, or tribal agency, instrumentality, or other unit of government that determines whether an Individual qualifies for government benefits for any purpose other than health care (for example, Social Security disability benefits) to the extent permitted by Applicable Law (or its agent or contractor acting on its behalf for the Exchange Purpose of such an agency, instrumentality or other unit);
- (v) a Public Health Authority (or its agent or contractor acting on its behalf for the Exchange Purpose of the Public Health Authority);
- (vi) an IAS Provider; or
- (vii) any entity that contracts with and enables connectivity for any of the entities listed in (i)-(vi) above.

An entity that is not included in the list above, but believes it is entitled to request information under one or more of the Exchange Purposes as described in Section 9 of the Common Agreement, may submit a request to the RCE for addition to this list as an SOP amendment in accordance with Section 5, Change Management in the Common Agreement.

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