



Standard Operating Procedure (SOP): Exchange Purposes

Applicability: QHINs, Participants, Subparticipants

1 COMMON AGREEMENT REFERENCES

From CA Section 1.1 – Exchange Purpose(s) Definition:

Exchange Purpose(s): means the reason, as authorized by this Common Agreement including the Exchange Purposes SOP, for a Request, Use, Disclosure, or Response transmitted via QHIN-to-QHIN exchange as one step in the transmission. Authorized Exchange Purposes are: Treatment, Payment, Health Care Operations, Public Health, Government Benefits Determination, Individual Access Services, and any other purpose authorized as an Exchange Purpose by the Exchange Purposes SOP, each to the extent permitted under Applicable Law, under all applicable provisions of this Common Agreement, and, if applicable, under the implementation SOP for the applicable Exchange Purpose.

Required Information:

Electronic information maintained by any QHIN, Participant, or Subparticipant prior to or during the term of the applicable Framework Agreement:

- (i) that would be ePHI if maintained by a Covered Entity or a Business Associate; and
- (ii) regardless of whether the information is or has already been transmitted via QHIN-to-QHIN exchange.

Notwithstanding the foregoing, the following types of information are not Required Information:

- (a) information compiled in reasonable anticipation of, or for use in, a civil, criminal, or administrative action or proceeding; or
- (b) psychotherapy notes (as defined at 45 CFR 164.501).

CA Section 9.4:

Responses (Required Flow-Downs). Signatory must support **all** Exchange Purposes and must Respond to all Exchange Purposes that are identified as “required” in the Exchange Purposes SOP. Signatory must provide all Required Information that is relevant for a required Exchange Purpose, as may be further specified in an implementation SOP for the applicable Exchange Purpose, in Response to a Request transmitted via QHIN-to-QHIN exchange, unless providing the Required Information is prohibited by Applicable Law or this Common Agreement or if not providing the Required Information is consistent with all Applicable Law and this Common Agreement.

CA Section 9.4.1:

Exceptions to Required Responses. Notwithstanding the foregoing, Signatory is **permitted but not required** to Respond to a Request transmitted via QHIN-to-QHIN exchange in the circumstances set forth in 9.4.1(i)-(vi) below, provided the Response: (a) is not prohibited by Applicable Law; (b) is consistent with Signatory’s Privacy and Security Notice, if applicable; and (c) is in accordance with this Common Agreement.

- (i) If Signatory is a Public Health Authority;
- (ii) If Signatory utilizes the Government Benefits Determination Exchange Purpose, including such an agency’s agent(s)/contractor(s);
- (iii) If the reason asserted for the Request is Individual Access Services and the information would not be required to be provided to an Individual pursuant to 45 CFR § 164.524(a)(2), regardless of whether Signatory is a NHE, a Covered Entity, or a Business Associate;
- (iv) If the Requested information is not Required Information, provided such response would not otherwise violate the terms of this Common Agreement;
- (v) If Signatory is a federal agency, to the extent that the Requested Disclosure of Required Information is not permitted under Applicable Law (e.g., it is Controlled Unclassified Information as defined at 32 CFR Part 2002, and the party requesting it does not comply with the applicable policies and controls that the federal agency adopted to satisfy its requirements); or
- (vi) If the Exchange Purpose is authorized but not required at the time of the Request, either under this Common Agreement or the Exchange Purposes SOP.

2 PURPOSE

This SOP identifies the Exchange Purposes that are currently authorized under the Common Agreement or this SOP. This SOP also identifies (i) for QHINs, which of those Exchange Purposes QHINs are required to support and which require a Response to a Request transmitted via QHIN-to-QHIN exchange; and (ii) for Participants and Subparticipants, which of those Exchange Purposes Participants and Subparticipants are required to support and which require a Response to a Request transmitted via QHIN-to-QHIN exchange.

As noted below, the Common Agreement authorizes six (6) Exchange Purposes, but initially Responses to Requests are required for only two (2) of them: (1) Treatment (required as of the publication date of this SOP) and (2) Individual Access Services (required six (6) months following the publication date of the Individual Access Services Exchange Purpose Implementation SOP). In the future, the intent is that Responses will be required for each of the six (6) authorized Exchange Purposes unless there is an exception to the required Response listed in Section 9.4.1 of the Common Agreement or in the section of the Framework Agreement that flows down Section 9.4.1 of the Common Agreement.

As implementation SOPs are developed for the other four (4) authorized Exchange Purposes or as additional Exchange Purposes are added beyond the initial six (6), an amendment to this SOP or a specific Exchange Purpose implementation SOP will set forth the extent to which a Response is required to a Request based on the Exchange Purpose as well as other details and possible exceptions.

3 STANDARD

1. Authorized Exchange Purposes – The Exchange Purposes under the Common Agreement and this SOP are:

- Treatment
- Payment
- Health Care Operations
- Public Health
- Government Benefits Determination
- Individual Access Services

2. Required Support

a. For purposes of this SOP, “support” means the technical capability to:

(i) transmit all Requests for any Exchange Purpose that a QHIN, Participant, or Subparticipant makes;

(ii) transmit all information that a QHIN, Participant, or Subparticipant may send pursuant to a Framework Agreement related to any Exchange Purpose (e.g., the content of the packet itself, if any); and

b. QHIN are required to support all the Exchange Purposes.

- c. Participant or Subparticipants are required to support any Exchange Purpose that they are required to Respond to per Section 3.b below and may support any that are permitted per Section 4 below.

3. Required Responses

- a. QHINs are required to Respond to Requests transmitted via QHIN-to-QHIN exchange in accordance with Section 9.4 of the Common Agreement for each of the following Exchange Purposes, except to the extent that one or more of the exceptions applies as set forth in Section 9.4.1 of the Common Agreement:
 - i. Treatment – Required as of the publication date of this SOP.
 - ii. Individual Access Services – Required six (6) months following the publication date of the Individual Access Services Exchange Purpose Implementation SOP.
- b. Participants and Subparticipants are required to Respond to Requests transmitted via QHIN-to-QHIN exchange in accordance with the section of the Framework Agreement that flows down Section 9.4 of the Common Agreement for each of the following Exchange Purposes, except to the extent that one or more of the exceptions applies that are set forth in the section of the Framework Agreement that flows down Section 9.4.1 of the Common Agreement:
 - i. Treatment – Required as of the publication date of this SOP.
 - ii. Individual Access Services – Required six (6) months following the publication date of the Individual Access Services Exchange Purpose Implementation SOP.

- 4. **Permitted Responses** – QHINs, Participants, and Subparticipants are permitted to Respond to Requests transmitted via QHIN-to-QHIN exchange for any/all authorized Exchange Purposes, to the extent the Response is (a) not prohibited by Applicable Law, (b) consistent with the Privacy and Security Notice, if applicable, and (c) in accordance with the Common Agreement (or the parallel provisions of another Framework Agreement, if applicable).

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