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July 21, 2022

Re: Individual Access Services (IAS) Provider Privacy and Security Notice and Practices SOP

Ms. Mariann Yeager, Chief Executive Officer
The Sequoia Project, the TEFCA Recognized Coordinating Entity
8300 Boone Boulevard Suite 500
Vienna, VA 22182

Dear Ms. Yeager,

On behalf of Health Gorilla, we thank you for the opportunity to provide feedback on the Individual Access Services (IAS) Provider Privacy and Security Notice and Practices SOP. We were excited to see the release of the draft documents and appreciate the time and effort placed on building out the SOP. Health Gorilla is a vocal advocate of Individual Access and we look forward to submitting our QHIN Application and to demonstrating our readiness to apply for QHIN designation.

Founded in 2014, Health Gorilla is the healthcare ecosystem's single connection to a national network of aggregated clinical data. Our solutions enable provider teams to access complete clinical histories, order and review labs, and share records with other clinicians without complex data-sharing agreements or months of integration work.

Health Gorilla's Health Interoperability Platform, built using Fast Healthcare Interoperability Resources (FHIR) standards, provides permitted access to actionable patient data. By leveraging Health Gorilla's Health Interoperability Platform (HIP) and securely storing data in our FHIR-native database, customers can connect to care sites in all 50 states, including Puerto Rico, and more than 230 million patients. Customers use Health Gorilla to improve outcomes, streamline workflows, and create a more equitable healthcare ecosystem.

Health Gorilla's mission is to improve outcomes with organized, actionable health data. We fully embrace the goals of the Trusted Exchange Framework and Common Agreement (TEFCA) as it not only supports our mission but will enhance the entire healthcare ecosystem when fully implemented. Our team has been working to decrease administrative burdens and improve organizational security for the past few years and look forward to seeing how TEFCA closing network privacy gaps and addressing security vulnerabilities will impact data exchanges.

Though we fully endorse the principles and goals of TEFCA, below are a few thoughts and recommendations for consideration:



Draft IAS Provider Privacy and Security Notice and Practices SOP Feedback

Common Agreement Section 10.3.1.(iii): “Be written in plain language and in a manner calculated to inform the Individual of such privacy practices”

We support the spirit and intent of the requirements in this section. However, many of the requirements are open to interpretation. For example, when exactly does a sentence no longer qualify as "short"? Including requirements such as these with "MUST" language in the SOP means that Common Agreement compliance could depend on an individual interpretation of what constitutes a short sentence.

Overall, we believe a reasonableness standard should be reflected in the language. We anticipate that the RCE will need to make a judgment call on the reasonableness of any IAS Provider's Notice in the event of complaints or other contention about such a Notice, and do not see any practical way of fully codifying requirements to avoid this outcome. We suggest that the RCE draft most of the requirements in this section as guidelines, and describe a simple process for providing feedback on an IAS Provider's Notice to that IAS Provider with respect to the Notice's readability.

One requirement that could be fully codified would be to require a 6th grade reading level score using the Flesch-Kincaid Grade Level formula. While arguably imperfect and not sufficient on its own, this requirement would be clearly defined and IAS Providers could know with certainty that they were in compliance.

Common Agreement Section 10.3.1.(vi): “Include information regarding whom the Individual may contact within [the IAS Provider] for further information regarding the Privacy and Security Notice and/or with privacy-related complaints”

We are supportive of the intent of Section 6.a.i. With respect to 6.a.ii, we would encourage the RCE and ONC to offer more information on their operational expectations with respect to if, how, and in what context the records of privacy complaints and responses would be shared with the RCE and/or ONC. This information would ensure that our operational processes were optimized both for our internal needs, and for these additional purposes.

Common Agreement Section 10.3.1.(ix): “Include an explanation of the Individual’s rights, including, at a minimum, the rights set forth in Section 10.4” [of the Common Agreement]

We support the spirit and intent of this section. While we do not disagree with the requirement set forth in 9.a.3, we suggest that it has a different operational scope than other aspects of the SOP



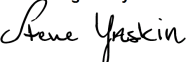
and might be better suited for inclusion in the Common Agreement itself, such as an addition to the current Section 10.4. At such point as there are general updates being made to the Common Agreement, we suggest that this requirement be moved.

Again, we are thankful that our comments and recommendations will be considered and hope they support the implementation of the QHIN network envisioned by the ONC in describing the Trusted Exchange Framework and Common Agreement.

In pursuit of our QHIN designation, Health Gorilla has built our FHIR-native Health Interoperability Platform through the lens of TEFCA. We believe our advanced technology satisfies the ONC's goal to establish a nationwide floor of universal interoperability.

We are excited to see the release of more SOPs and Implementation Guidelines to ensure that we have the necessary resources and trusted infrastructure to be a designated QHIN. Please feel free to contact me at syaskin@healthgorilla.com with questions or for more information. We welcome the opportunity further to discuss our feedback with you and your leadership team.

Sincerely,

DocuSigned by:

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Steve Yaskin
Chief Executive Officer
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