



ONC  
TEFCA  
RECOGNIZED  
COORDINATING  
ENTITY

# Standard Operating Procedure (SOP): Governance Approach

Version 1.0

DRAFT for Stakeholder Feedback

January 19, 2024

Applicability: QHINs, Participants, Subparticipants

## 1 COMMON AGREEMENT REFERENCES

The requirements set forth in this Standard Operating Procedure (SOP) are required for implementation in addition to the terms and conditions found in the Common Agreement, the Qualified Health Information Network™ (QHIN™) Technical Framework (QTF), and applicable SOPs. The Trusted Exchange Framework and Common Agreement<sup>SM</sup> (TEFCA<sup>SM</sup>) Cross Reference Resource identifies which SOPs provide additional detail on specific references from the Common Agreement.

All documents cited in this SOP can be found on the Recognized Coordinating Entity® (RCE™) [website](#).

## 2 SOP DEFINITIONS

Terms defined in this section are introduced herein and can be found in the TEFCA Glossary. Capitalized terms used in this SOP without definition shall have the respective meanings assigned to such term in the TEFCA Glossary.

No new definitions are introduced in this SOP.

## 3 PURPOSE

Section 3 of the Common Agreement requires QHINs, Participants, and Subparticipants to have the opportunity to engage in governance of TEFCA Exchange. It requires the RCE to establish a Transitional Council and then a Governing Council which will be responsible for serving as a resource to the RCE and a forum for orderly and civil discussion of any issues affecting TEFCA Exchange or other issues that may arise under the Common Agreement. This SOP sets forth the formation, composition, responsibilities and duration of the Transitional Council and Governing Council.

## 4 PROCEDURE

### 4.1 Participation in Governance

QHINs, Participants, and Subparticipants shall have the opportunity to engage in governance under the Common Agreement.

**4.1.1 Role.** The Transitional Council and the TEFCA Governing Council, each as defined below, shall be responsible for the following:

- (i) Serving as a resource to the RCE and a forum for orderly and civil discussion of any issues affecting TEFCA Exchange or other issues that may arise under the Common Agreement;
- (ii) Supporting the RCE in its work to monitor the exchange of TEFCA Information (TI) and other activities under the Common Agreement and serving as a resource to the RCE to identify possible corrective actions for conditions that disrupt exchange activities, including, but not limited to, the following:
  - a) Provide advice on issues related to the Onboarding of QHINs;
  - b) Assist in evaluating suspected or alleged non-compliance with requirements in this Common Agreement, the SOPs, and the QTF;
  - c) Provide input regarding whether to suspend or terminate a QHIN's participation;
  - d) Provide advice regarding issues before they become Disputes and are escalated to the formal Dispute Resolution Process; and
  - e) Evaluate possible and actual TEFCA Security Incidents, other Threat Conditions, and information and/or recommendations from the Cybersecurity Council.
- (iii) Reviewing proposed amendments to the Common Agreement, the QTF, and SOPs and providing feedback to the RCE on the proposed changes;
- (iv) Participating in the development of new SOPs and providing feedback to the RCE on the proposed changes;
- (v) Assisting the RCE with the Dispute Resolution Process, as set forth in the Common Agreement and the Dispute Resolution SOP;
- (vi) Informing the RCE on development and updating of the strategic roadmap for exchange activities under the Common Agreement; and
- (vii) Advocating for the value of the exchange activities under the Common Agreement and promoting their success.

## 4.2 Transitional Council

To promote a speedy and efficient ramp-up of the Governing Council, a “Transitional Council” shall serve for a twelve (12) month term beginning within thirty (30) days after the RCE announces the first group of QHINs that the RCE Designates. The Transitional Council shall serve as the interim governing body for the activities conducted under the Framework Agreements, as more fully described below and in the Transitional Council SOP.

#### **4.2.1 Transition to the Governing Council:**

- (i) Transition Plan Development – In addition to the responsibilities listed for participation in governance generally, the Transitional Council shall develop the transition plan to the Governing Council.
- (ii) Formation of Caucuses – The RCE shall work with the Transitional Council to form the caucuses described in Section 4.2.2.1 of this SOP as part of the transition plan. The caucuses are responsible for identifying individuals to serve on the Governing Council that will be established at the end of the twelve (12) months following the formation of the Transitional Council.
- (iii) Transition Timing – At the end of the twelve (12) months following the formation of the Transitional Council, the Governing Council shall assume responsibility for participating in the governance of the exchange and related activities under the Common Agreement with the RCE.
- (iv) Continuity – Notwithstanding the twelve (12) month term of the Transitional Council, the representatives on the Transitional Council will continue to serve in their governance role until the representatives of the Governing Council are elected and instated.

**4.2.2 Governing Council.** A Governing Council shall be established through election of individual members by each of the caucuses described below by the end of the first twelve (12) months following the date on which the RCE announces the first set of QHINs that it has Designated. The election process and constitution of the Governing Council is more fully set forth in the Governing Council SOP. The Governing Council shall serve as the permanent governing body for activities conducted under the Framework Agreements, as more fully described in the Governing Council SOP.

##### **4.2.2.1 Caucuses**

- (i) QHIN Caucus – Every QHIN shall have the right to appoint one (1) individual who is affiliated with that QHIN, as either an employee or independent contractor, to serve as a member of the QHIN Caucus. The QHIN Caucus will be facilitated by the RCE and shall serve as a forum for QHINs to meet and discuss issues of interest directly related to TECCA Exchange and related activities under the Framework Agreements.
- (ii) Participant/Subparticipant Caucus – Each QHIN shall have the right to appoint up to three (3) individuals who are affiliated with a Participant or a Subparticipant, either as an employee or independent contractor, to serve as a member of the Participant/Subparticipant Caucus. In appointing such

individuals, QHINs should consider the composition of their Participants and Subparticipants and should endeavor to select persons who will be representative of the various perspectives of the QHIN's Participant/ Subparticipant population. The Participant/ Subparticipant Caucus will be facilitated by the RCE and shall provide a forum for Participants/ Subparticipants to meet and discuss issues of interest directly related to TEFCA Exchange and related activities under the Framework Agreements.