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TEFCA Glossary

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Draft for Stakeholder Feedback

PURPOSE

This Trusted Exchange Framework and Common AgreementSM (TEFCASM) Glossary is intended to serve as an in-depth compilation of terms and their definitions as referenced in the draft Common Agreement Version 2, Participant/Subparticipant Terms of Participation (ToP) Version 1, Qualified Health Information NetworkTM (QHINTM) Technical Framework (QTF) Version 2, and Standard Operating Procedures (SOPs).

All references to Signatory in a definition below or in the Common Agreement may refer to a QHIN, or Upstream QPS as applicable in the ToP.

This educational resource is being provided for informational purposes only. It does not modify, amend, supersede, or interpret any Framework Agreement, SOPs, or the QTF. Please note that while we strive to maintain accuracy in this resource, it is provided for educational purposes only. This resource should not be solely relied upon by QHINs, Participants, or Subparticipants. It is ultimately a QHIN's, Participant's, or Subparticipant's contractual responsibility to ensure it is compliant with any applicable Framework Agreement, SOP, or QTF.

GLOSSARY OF TERMS

A

Access Consent Policy (ACP): policies that may influence access control decisions and which can be referenced in queries. *Source: QTF Version 2*

Actor: a QHIN, Participant, or Subparticipant. *Source: QTF Version 2*

Applicable Law: all federal, State, local, or tribal laws and regulations then in effect and applicable to the subject matter herein. For the avoidance of doubt, federal agencies are only subject to federal law. *Source: Common Agreement Version 2*

Applicant or Applicant QHIN: means any organization that has submitted an Intent to Apply to be a QHIN to the Recognized Coordinating Entity[®] (RCETM) as specified in the QHIN Onboarding and Designation SOP that has been accepted by the RCE and has not withdrawn that Intent to Apply. Applicant also includes those organizations that have submitted a QHIN Application to the RCE for completeness review as set forth in the QHIN Onboarding and Designation SOP. *Source: QHIN Onboarding & Designation SOP*

Assigning Authority: the organization that issues a patient identifier. *Source: QTF Version 2*

B

Breach of Unencrypted Individually Identifiable Information: the acquisition, access, or Disclosure of unencrypted Individually Identifiable information maintained by an Individual Access Services (IAS) Provider that compromises the security or privacy of the unencrypted Individually Identifiable information. *Source: Common Agreement Version 2*

Business Associate: has the meaning assigned to such term at 45 CFR § 160.103. *Source: Common Agreement Version 2*

Business Associate Agreement (BAA): a contract, agreement, or other arrangement that satisfies the implementation specifications described within 45 CFR § 164.504(e), as applicable. *Source: Common Agreement Version 2*

C

Candidate or Candidate QHIN: means any organization that has been notified by the RCE that its QHIN Application has been accepted to continue to the testing and project plan phase as set forth in the QHIN Onboarding and Designation SOP. *Source: QHIN Onboarding & Designation SOP*

Common Agreement: unless otherwise expressly indicated, the Common Agreement for Nationwide Health Information Interoperability, the QHIN Technical Framework (QTF), all Standard Operating Procedures (SOPs), and all other attachments, exhibits, and artifacts incorporated therein by reference. *Source: Common Agreement Version 2*

Confidential Information: any information that is designated as Confidential Information by the person or entity that discloses it (a “Discloser”), or that a reasonable person would understand to be of a confidential nature, and is disclosed to another person or entity (a “Recipient”) pursuant to a Framework Agreement. For the avoidance of doubt, “Confidential Information” does not include electronic protected health information (ePHI), as defined in a Framework Agreement, that is subject to a Business Associate Agreement and/or other provisions of a Framework Agreement. Notwithstanding any label to the contrary, “Confidential Information” does **not** include any information that: (i) is or becomes known publicly through no fault of the Recipient; or (ii) is learned by the Recipient from a third party that the Recipient reasonably believes is entitled to disclose it without restriction; or (iii) is already known to the Recipient before receipt from the Discloser, as shown by the Recipient’s written records; or (iv) is independently developed by Recipient without the use of or reference to the Discloser’s Confidential Information, as shown by the Recipient’s written records, and was not subject to confidentiality restrictions prior to receipt of such information from the Discloser. *Source: Common Agreement Version 2*

Connectivity Services: the technical services provided by a QHIN, Participant, Subparticipant to its Participants and Subparticipants that facilitate TEFCA Exchange and are consistent with the requirements of the then-applicable QHIN Technical Framework. *Source: Common Agreement Version 2*

Contract: the Contract by and between The Sequoia Project and HHS, or, if applicable, a successor agreement between The Sequoia Project and HHS or a successor agreement between a different RCE and HHS. *Source: Common Agreement Version 2*

Covered Entity: has the meaning assigned to such term at 45 CFR § 160.103. *Source: Common Agreement Version 2*

Cybersecurity Council: the council established by the RCE to enhance cybersecurity commensurate with the risks in TEFCA Exchange, as more fully set forth in an SOP. *Source: Common Agreement Version 2*

D

Delegate: a QHIN, Participant, or Subparticipant that (i) is not a Principal and (ii) has a written agreement, directly or indirectly, with a Principal authorizing the Delegate to conduct TEFCA Exchange activities for or on behalf of the Principal. For purposes of this definition, a “written agreement” shall be deemed to include a documented grant of authority from a government agency. *Source: Common Agreement Version 2*

Delegated Request: a TEFCA Exchange Request initiated by a Delegate working for a Principal. *Source: Delegation of Authority SOP*

Designated Network: the Health Information Network that a QHIN uses to offer and provide the Designated Network Services. *Source: Common Agreement Version 2*

Designated Network Services: the Connectivity Services and/or Governance Services. *Source: Common Agreement Version 2*

Designation (including its correlative meanings “Designate,” “Designated,” and “Designating”): the RCE’s written confirmation to ONC and Signatory that Signatory has satisfied all the requirements of the Common Agreement, the QHIN Technical Framework, all applicable SOPs, and is now a QHIN. *Source: Common Agreement Version 2*

Directory Entry(ies): the listing of each Node controlled by a QHIN, Participant or Subparticipant, which includes the Endpoint for such Node(s) and any other organizational or technical information required by the QTF or applicable SOP. *Source: Common Agreement Version 2*

Disclosure (including its correlative meanings “Disclose,” “Disclosed,” and “Disclosing”): the release, transfer, provision of access to, or divulging in any manner of

TEFCA Information (TI) outside the entity holding the information. *Source: Common Agreement Version 2*

Discovery: for purposes of determining the date on which a TEFCA Security Incident was discovered, the term Discovery shall be determined consistent with 45 CFR § 164.404(a)(2) as if the TEFCA Security Incident were a breach (as defined in 45 CFR § 164.402) except that this term shall also apply to Non-HIPAA Entities. *Source: Common Agreement Version 2*

Dispute: means (i) a disagreement about any provision of this Common Agreement, including any SOP, the QTF, and all other attachments, exhibits, and artifacts incorporated by reference; or (ii) a concern or complaint about the actions, or any failure to act, of Signatory, the RCE, or any other QHIN or another QHIN's Participant(s). *Source: Common Agreement Version 2*

Dispute Resolution Process: has the meaning assigned to such term in Section 15.1 of the Common Agreement. *Source: Common Agreement Version 2*

E

Electronic Case Investigation: is a public health tool that involves a PHA gathering additional information in response to a disease or condition that has already been reported under Applicable Law. This often includes collecting information about the individual's symptoms, their clinical characteristics/history, how/where they may have contracted or acquired the disease/condition, and the overall course of their illness, including clinical interventions received. These investigations help PHAs understand and mitigate the extent to which other people or groups may be at risk. The ability to gather information for case investigation electronically vastly improves the efficacy of these investigations. This includes the ability of a PHA to query healthcare providers and others for additional information for case investigation in follow-up to a PHA's receipt of an electronic disease report. *Source: Exchange Purpose (XP) Implementation SOP: Public Health SubXP-1*

Electronic Disease Reporting (e.g., Electronic Case Reporting and Electronic Lab Reporting): Public Health Authorities (PHAs) are generally required by Applicable Law to monitor, investigate, mitigate, and otherwise act to prevent the introduction or spread of diseases and conditions that endanger the public health in their jurisdictions. To facilitate this duty, physicians, clinical laboratories, and other healthcare organizations are often mandated by Applicable Law to report certain diseases and conditions and/or certain indicators thereof. The use of electronic case and lab reporting streamlines this mandated reporting process for healthcare providers and PHA alike. *Source: Exchange Purpose (XP) Implementation SOP: Public Health SubXP-1*

Electronic Protected Health Information (ePHI): has the meaning assigned to such term at 45 CFR § 160.103. *Source: Common Agreement Version 2*

Enterprise Master Patient Index (eMPI): a system that coordinates patient identification across multiple systems by collecting, storing, and managing identifiers and patient-identifying demographic information from a source system. *Source: QTF Version 2*

Exchange Modality: QHIN Query, Message Delivery, and Facilitated FHIR. *Source: QTF Version 2*

Exchange Purpose(s) or XP(s): means the reason, as authorized by a Framework Agreement, including the applicable SOPs for a Transmission, Request, Use, Disclosure, or Response transacted through TEFCA Exchange. *Source: Common Agreement Version 2*

F

FHIR Push: a PUT or POST operation that submits data to a QHIN, Participant, Subparticipant or other Node. *Source: QTF Version 2*

FHIR Query: a query operation that Requests information from a Responding Node. *Source: QTF Version 2*

FHIR Endpoint: has the meaning assigned to such term in the FHIR Specification available at <https://hl7.org/fhir/R4/>. *Source: Common Agreement Version 2*

Framework Agreement(s): with respect to QHINs, the Common Agreement; and with respect to a Participant or Subparticipant, the Terms of Participation (ToP). *Source: Common Agreement Version 2*

FTC Rule: the Health Breach Notification Rule promulgated by the Federal Trade Commission set forth at 16 CFR Part 318. *Source: Common Agreement Version 2*

G

Government Benefits Determination: a determination made by any federal, State, local, or tribal agency, instrumentality, or other unit of government as to 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. Disclosure of TI for this purpose may require an authorization that complies with Applicable Law. *Source: Common Agreement Version 2*

Government Health Care Entity: any agency, instrumentality, or other unit of the federal, State, local, or tribal government to the extent that it provides health care services (e.g., Treatment) to Individuals but only to the extent that it is not acting as a Covered Entity. *Source: Common Agreement Version 2*

Governance Services: the governance functions described in an applicable SOP, which are performed by a QHIN’s Designated Network Governance Body for its Participants and Subparticipants to facilitate TEFCA Exchange in compliance with the then-applicable requirements of the Framework Agreements. *Source: Common Agreement Version 2*

H

Health Care Operations: has the meaning assigned to such term at 45 CFR § 164.501, except that this term shall apply to the applicable activities of a Health Care Provider regardless of whether the Health Care Provider is a Covered Entity. *Source: Exchange Purposes (XPs) SOP*

Health Care Operations (HCO) SubXP-1: means transactions for any of the following activities, under TEFCA Exchange, to the extent permitted by Applicable Law and the Common Agreement:

Conducting quality assessment and improvement activities, including outcomes evaluation and development of clinical guidelines, provided that the obtaining of generalizable knowledge is not the primary purpose of any studies resulting from such activities; patient safety activities (as defined in 42 CFR 3.20); population-based activities relating to improving health or reducing health care costs, protocol development, case management and care coordination, contacting of health care providers and patients with information about treatment alternatives; and related functions that do not include treatment.¹ *Source: Exchange Purpose (XP) Implementation SOP: Health Care Operations SubXP-1*

Health Care Provider: has the meaning assigned to such term in the information blocking regulations at either 45 CFR § 171.102 or in the HIPAA Rules at 45 CFR § 160.103. *Source: Common Agreement Version 2*

Health Information Network (HIN): has the meaning assigned to the term “Health Information Network or Health Information Exchange” in the information blocking regulations at 45 CFR § 171.102. *Source: Common Agreement Version 2*

Health Plan: has the meaning assigned to such term at 45 CFR § 164.501. *Source: Exchange Purpose (XP) Implementation SOP: Health Care Operations SubXP-1*

Health Plan Parent: the QHIN, Participant, or Subparticipant of which the Health Plan(s) is a part of. *Source: Exchange Purpose (XP) Implementation SOP: Health Care Operations SubXP-1*

HIPAA: the Health Insurance Portability and Accountability Act of 1996 codified at 42 U.S.C. § 300gg, 29 U.S.C. § 1181 *et seq.*, 42 U.S.C. § 1320d *et seq.*, and the Health Information Technology for Economic and Clinical Health (HITECH) Act of 2009 codified

¹ This language mirrors that in 45 CFR 164.501 Health Care Operations definition section (1).

at 42 U.S.C. § 17921 *et seq.*, and 42 U.S.C. § 17931 *et seq.* *Source: Common Agreement Version 2*

HIPAA Privacy Rule: the regulations set forth at 45 CFR Parts 160 and 164, Subparts A and E. *Source: Common Agreement Version 2*

HIPAA Rules: the regulations set forth at 45 CFR Parts 160, 162, and 164. *Source: Common Agreement Version 2*

HIPAA Security Rule: the regulations set forth at 45 CFR Part 160 and Part 164, Subpart C. *Source: Common Agreement Version 2*

HomeCommunityID (HCID): a globally unique identifier for a Node. *Source: QTF Version 2*

Hybrid Entity: any Public Health Authority or Delegate that also meets the official definition of a hybrid entity under HIPAA (45 CFR §164.103), which means a single legal entity:

- (1) That is a covered entity;
- (2) Whose business activities include both covered and non-covered functions; and
- (3) That designates health care components in accordance with paragraph 45 CFR §164.105(a)(2)(iii)(D). *Source: Public Health Exchange Purpose (XP) Educational Guidance*

I

Individual: has the meaning assigned to such term at 45 CFR § 171.202(a)(2). *Source: Common Agreement Version 2*

Individual Access Services (IAS): the services provided to an Individual by a QHIN, Participant, or Subparticipant that has a direct contractual relationship with such Individual in which the QHIN, Participant, or Subparticipant, as applicable, agrees to satisfy that Individual's ability to use TEFCA Exchange to access, inspect, obtain, or transmit a copy of that Individual's Required Information. *Source: Common Agreement Version 2*

Individual Access Services Provider (IAS Provider): each QHIN, Participant, and Subparticipant that offers Individual Access Services (IAS). *Source: Common Agreement Version 2*

Individual Access Services (IAS) Incident: means a TEFCA Security Incident or a Breach of Unencrypted Individually Identifiable Information maintained by the IAS Provider. *Source: Individual Access Services (IAS) Provider Requirements SOP*

Individually Identifiable: information that identifies an Individual or with respect to which there is a reasonable basis to believe that the information could be used to identify an Individual. *Source: Common Agreement Version 2*

Initiating Gateway: a transaction gateway that supports outgoing Requests and Responses for QHIN Query (Patient Discovery, Document Query, Document Retrieve) and QHIN Message Delivery. *Source: QTF Version 2*

Initiating Node: a Node through which a QHIN, Participant, or Subparticipant initiates transactions for TEFCA Exchange and, to the extent such transaction is a Request, receives a Response to such Request. *Source: Common Agreement Version 2*

Initiating QHIN: a QHIN that initiates a QHIN Query or QHIN Message Delivery. *Source: QTF Version 2*

Instance Access Consent Policy (IACP): policy instances (e.g., patient authorization forms) which may influence access control decisions, and which can be referenced by queries. *Source: QTF Version 2*

M

Message Delivery Solicitation: a Request for a QHIN to initiate a QHIN Message Delivery. *Source: QTF Version 2*

Minimum Necessary: means the provision in the HIPAA Rules that, under certain circumstances, requires a Covered Entity or a Business Associate to make reasonable efforts when Using or Disclosing PHI or when Requesting PHI from another Covered Entity or Business Associate to limit PHI to the minimum necessary to accomplish the intended purpose of the Use, Disclosure, or Request. See 45 CFR § 164.502(b) and § 164.514(d). *Source: Common Agreement Version 2*

N

Node: a technical system controlled directly or indirectly by a QHIN, Participant, or Subparticipant as listed in the RCE Directory Service. *Source: Common Agreement Version 2*

Non-HIPAA Entity (NHE): a QHIN, Participant, or Subparticipant that is neither a Covered Entity nor a Business Associate under HIPAA with regard to activities under the Framework Agreement. *Source: Common Agreement Version 2*

O

ONC: the U.S. Department of Health and Human Services Office of the National Coordinator for Health Information Technology. *Source: Common Agreement Version 2*

Organized Health Care Arrangement: has the meaning assigned to such term at 45 CFR § 160.103. *Source: Common Agreement Version 2*

P

Participant: to the extent permitted by applicable SOP(s), a U.S. Entity that has entered into the ToP in a legally binding contract with a QHIN to use the QHIN's Designated Network Services to participate in TEFCA Exchange in compliance with the ToP. *Source: Common Agreement Version 2*

Participant/Subparticipant Terms of Participation (ToP): the requirements set forth in Exhibit 1 to the Common Agreement to which each Participant and Subparticipant must agree to participate in TEFCA Exchange including the QHIN Technical Framework (QTF), all applicable Standard Operating Procedures (SOPs), and all other attachments, exhibits, and artifacts incorporated therein by reference. *Source: Common Agreement Version 2*

Passthrough Node: a Node that is neither an Initiating nor Responding Node and through which a QHIN, Participant, or Subparticipant passes transactions to and from Initiating and Responding Nodes, including any other services it provides. *Source: Common Agreement Version 2*

Payment: has the meaning assigned to such term at 45 CFR § 164.501. *Source: Exchange Purposes (XPs) SOP*

Principal: a QHIN, Participant, or Subparticipant that is acting as a Covered Entity, Government Health Care Entity, NHE Health Care Provider, a Public Health Authority, a Government agency that makes a Government Benefits Determination, or an IAS Provider (as authorized by an Individual) when engaging in TEFCA Exchange. *Source: Common Agreement Version 2*

Privacy and Security Notice: an IAS Provider's written privacy and security notice that contains the information required by the applicable SOP. *Source: Common Agreement Version 2*

Protected Health Information (PHI): has the meaning assigned to such term at 45 CFR § 160.103. *Source: Common Agreement Version 2*

Public Health: with respect to the definition of Exchange Purposes (XPs), a Request, Use, Disclosure, or Response permitted under the HIPAA Rules and other Applicable Law for public health activities and purposes involving a Public Health Authority, where such public health activities and purposes are permitted by Applicable Law, including a Use or Disclosure permitted under 45 CFR § 164.512(b) and 45 CFR § 164.514. For the avoidance of doubt, a Public Health Authority may Request, Use, and Disclose TI hereunder for Public Health to the extent permitted by Applicable Law and the Framework Agreements. *Source: Exchange Purposes (XPs) SOP*

Public Health Authority (PHA): has the meaning assigned to such term at 45 CFR § 164.501. *Source: Common Agreement Version 2*

Public Health TEFCA Advocate: are those states, localities, tribes, and territories that: Are actively participating in TEFCA discussions (internally and externally) and providing feedback

- Are actively considering how TEFCA can benefit their PHA and have some leadership support
- Are looking at the Common Agreement and strategizing participation and are considering being an initial participant or sub-participant in TEFCA (understanding that most likely public health will not be a signatory to the Common Agreement)
- Have baseline technical readiness (e.g., have experience exchanging data via interop networks (Health Information Exchanges, AIMS, eHealth Exchange, IZ gateway), have internal capacity, are looking at FHIR opportunities) *Source: Public Health Exchange Purpose (XP) Educational Guidance*

Push: the standards-based transmission of data from a data sender to a data receiver to complete a transaction where there is no specific query provided electronically by the data receiver to begin the transaction. This includes, for example, the transmission of patient-specific data from a health care provider to public health when that patient has a condition that is reportable (e.g., identifiable patient information for a specific condition required by law or regulation to be reported to a STLT Public Health Authority). *Source: Public Health Exchange Purpose (XP) Educational Guidance*

Q

QHIN Confidential and Proprietary Materials: Confidential Information that is marked as such and provided to the RCE by Designated QHINs, entities seeking to be Designated QHINs, entities in the application process (from the submission of a letter of intent through the Designation of a QHIN), or Participants or Subparticipants to the extent such materials are in the RCE's possession when Requested pursuant to the ONC Access to and Request for Confidential Information SOP. *Source: ONC Access to and Request for Confidential Information SOP*

QHIN Directory: a system used by QHINs to record and resolve the identifiers and endpoints of members of their network (i.e., Participants and Subparticipants). The QHIN Directory includes a local copy of the RCE Directory. *Source: QTF Version 2*

QHIN Message Delivery: the act of a QHIN delivering information to one or more other QHINs (i.e., via TEFCA Exchange) for delivery to one or more Participants, Subparticipants, or Individuals (sometimes referred to as a "push"). *Source: QTF Version 2*

QHIN Query: the act of a QHIN Requesting information from one or more other QHINs (sometimes referred to as a "pull"). *Source: QTF Version 2*

QHIN Technical Framework (QTF): the most recent effective version of the document that contains the technical, functional, and security requirements for TEFCA Exchange as published by the RCE. *Source: Common Agreement QTF Version 2*

Qualified Health Information Network (QHIN): to the extent permitted by applicable SOP(s), a Health Information Network that is a U.S. Entity that has been Designated by the RCE and is a party to the Common Agreement countersigned by the RCE. *Source: Common Agreement Version 2*

Query Solicitation: a Request for a QHIN to initiate a QHIN Query. *Source: QTF Version 2*

R

RCE Directory: the individual organization entries that form the content of the RCE Directory Service. *Source: QTF Version 2*

RCE Directory Service: a technical service provided by the RCE that enables QHINs to identify their Nodes to enable TEFCA Exchange. The requirements for use of, inclusion in, and maintenance of the RCE Directory Service are set forth in the Framework Agreements, QTF and applicable SOPs. *Source: Common Agreement Version 2*

Recognized Coordinating Entity (RCE): the entity selected by ONC that enters into the Common Agreement with QHINs in order to impose, at a minimum, the requirements of the Common Agreement, including the SOPs and the QTF, on the QHINs and administer such requirements on an ongoing basis. The RCE is a Party to the Common Agreement. *Source: Common Agreement Version 2*

Record Locator Service (RLS): a service that provides authorized users the location of records based on criteria such as a patient ID and/or record data type, as well as providing functionality for the ongoing maintenance of health record location information. *Source: QTF Version 2*

Request(s) (including its correlative uses/tenses “Requested” and “Requesting”): the act of asking for information through TEFCA Exchange. *Source: Common Agreement Version 2*

Required Information: any Electronic Health Information, as defined in 45 CFR § 171.102, that is maintained by any QHIN, Participant, or Subparticipant prior to or during the term of the applicable Framework Agreement. *Source: Common Agreement Version 2*

Responding Gateway: a transaction gateway that supports incoming Requests and Responses for QHIN Query (Patient Discovery, Document Query, Document Retrieve) and QHIN Message Delivery. *Source: QTF Version 2*

Responding Node: a Node through which the QHIN, Participant, or Subparticipant Responds to a received transaction for TEFCA Exchange. *Source: Common Agreement Version 2*

Responding QHIN: a QHIN that receives (and responds to as appropriate) a QHIN Query or QHIN Message Delivery from an Initiating QHIN. *Source: QTF Version 2*

Response(s) (including its correlative uses/tenses “Responded” and “Responding”): the act of providing the information that is the subject of a Request or otherwise transmitting a message in Response to a Request through TEFCA Exchange. *Source: Common Agreement Version 2*

S

Signatory: the entity that has satisfied Section 4.1 and is a Party to the Common Agreement. *Source: Common Agreement Version 2*

Standard Operating Procedure(s) or SOP(s): a written procedure or other provision that is adopted pursuant to the Common Agreement and incorporated by reference into a Framework Agreement to provide detailed information or requirements related to TEFCA Exchange, including all amendments thereto and any new SOPs that are adopted pursuant to the Common Agreement. Each SOP identifies the relevant group(s) to which the SOP applies, including whether Participants and/or Subparticipants are required to comply with a given SOP. *Source: Common Agreement Version 2*

State: any of the several States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa and the Northern Mariana Islands. *Source: Common Agreement Version 2*

Subparticipant: to the extent permitted by applicable SOP(s), a U.S. Entity that has entered into a ToP in a legally binding contract with a Participant or Subparticipant to use the Participant's or Subparticipant's Connectivity Services to participate in TEFCA Exchange in compliance with the ToP. *Source: Common Agreement Version 2*

T

TEFCA Exchange: the transaction of information between Nodes using a TEFCA-specific Exchange Purpose code as defined in the applicable SOP. *Source: Common Agreement Version 2*

TEFCA Information (TI): any information that is transacted through TEFCA Exchange except to the extent that such information is received by a QHIN, Participant, or Subparticipant that is a Covered Entity, Business Associate, or Non-HIPPA Entity (NHE) that is exempt from compliance with the Privacy section of the applicable Framework Agreement and is incorporated into such recipient's system of records, at which point the information is no longer TI with respect to such recipient and is governed by the HIPAA Rules and other Applicable Law. *Source: Common Agreement Version 2*

TEFCA Security Incident(s):

- (i) an unauthorized acquisition, access, Disclosure, or Use of unencrypted TI using TEFCA Exchange, but **NOT** including the following:
 - a) Any unintentional acquisition, access, or Use of TI by a Workforce Member or person acting under the authority of a QHIN, Participant, or Subparticipant, if such acquisition, access, or Use was made in good faith and within the scope of authority and does not result in further Use or Disclosure in a manner not permitted under Applicable Law and Framework Agreements.
 - b) any inadvertent Disclosure by a person who is authorized to access TI at a QHIN, Participant, or Subparticipant to another person authorized to access TI at the same QHIN, Participant, or Subparticipant, or Organized Health Care Arrangement in which a QHIN, Participant, or Subparticipant participates or serves as a Business Associate, and the information received as a result of such Disclosure is not further Used or Disclosed in a manner not permitted under Applicable Law and Framework Agreements.
 - c) A Disclosure of TI where a QHIN, Participant, or Subparticipant has a good faith belief that an unauthorized person to whom the Disclosure was made would not reasonably have been able to retain such information.
 - d) A Disclosure of TI that has been de-identified in accordance with the standard at 45 CFR § 164.514(b).
- (ii) Other security events (e.g., ransomware attacks), as set forth in an SOP, that prevent the affected QHIN, Participant, or Subparticipant from Responding to Requests as required under a Framework Agreement or otherwise adversely affect their participation in TEFCA Exchange. *Source: Common Agreement Version 2*

Threat Condition: (i) A breach of a material provision of a Framework Agreement that has not been cured within fifteen (15) days of receiving notice of the material breach (or such other period of time to which the Parties have agreed), which notice shall include such specific information about the breach that the RCE has available at the time of the notice; or (ii) a TEFCA Security Incident; or (iii) an event that RCE, QHIN, its Participant, or their Subparticipant has reason to believe will disrupt normal TEFCA Exchange, either due to actual compromise of or the need to mitigate demonstrated vulnerabilities in systems or data of the QHIN, Participant, or Subparticipant, as applicable, or could be replicated in the systems, networks, applications, or data of another QHIN, Participant, or Subparticipant; or (iv) any event that could pose a risk to the interests of national security as directed by an agency of the United States government. *Source: Common Agreement Version 2*

Treatment: has the meaning assigned to such term at 45 CFR § 164.501. *Source: Exchange Purposes (XPs) SOP*

U

United States: the fifty (50) States, the District of Columbia, and the territories and possessions of the United States including, without limitation, all military bases or other military installations, embassies, and consulates operated by the United States government. *Source: Common Agreement Version 2*

U.S. Entity/Entities: any corporation, limited liability company, partnership, or other legal entity that meets all of the following requirements:

- (i) The entity is organized under the laws of a State or commonwealth of the United States or the federal law of the United States and is subject to the jurisdiction of the United States and the State or commonwealth under which it was formed;
- (ii) The entity's principal place of business, as determined under federal common law, is in the United States; and
- (iii) None of the entity's directors, officers, or executives, and none of the owners with a five percent (5%) or greater interest in the entity, are listed on the *Specially Designated Nationals and Blocked Persons List* published by the United States Department of the Treasury's Office of Foreign Asset Control or on the United States Department of Health and Human Services, Office of Inspector General's *List of Excluded Individuals/Entities*. *Source: Common Agreement Version 2*

Uniform Resource Identifier (URI): a set of characters that identifies a specific logical or physical resource used by Internet related computer programs. *Source: QTF Version 2*

Upstream QPS: the QHIN, Participant, or Subparticipant that enters into the Terms of Participation with its Participants or Subparticipants and is named as the Upstream QPS in such ToP. *Source: Participant/Subparticipant Terms of Participation (ToP)*

Use(s) (including correlative uses/tenses, such as "Uses," "Used," and "Using"): with respect to TI, means the sharing, employment, application, utilization, examination, or analysis of such information within an entity that maintains such information. *Source: Common Agreement Version 2*

W

Workforce Member(s): any employees, volunteers, trainees, and other persons whose conduct, in the performance of work for an entity, is under the direct control of such entity, whether or not they are paid by the entity. *Source: Common Agreement Version 2*