



The Office of the National Coordinator for  
Health Information Technology  
Health IT Advisory Committee

# Trusted Exchange Framework Task Force Third Meeting

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February 26, 2018



# Charge

- **Overarching charge:** The Trusted Exchange Framework Taskforce will develop and advance recommendations on Parts A and B of the Draft Trusted Exchange Framework to inform development of the final Trusted Exchange Framework and Common Agreement (TEFCA).
- **Detailed charge:** Make specific recommendations on the language included in the Minimum Required Terms and Conditions in Part B, including—
  - » **Recognized Coordinating Entity:** Are there particular eligibility requirements for the Recognized Coordinating Entity (RCE) that ONC should consider when developing the Cooperative Agreement?
  - » **Definition and Requirements of Qualified HINs:** Recommendations for further clarifying the eligibility requirements for Qualified HINs outlined in Part B.
  - » **Permitted Uses and Disclosures:** Feedback on enhancing or clarifying the six (6) permitted purposes and three (3) use cases identified in Part B.
  - » **Privacy/ Security:** Are there standards or technical requirements that ONC should specify for identity proofing and authentication, particularly of individuals?

# Discussion Questions

- Does the definition of a Qualified HIN meet ONC's goals of supporting Broadcast Query at scale, without centralized infrastructure?
- Connectivity Broker Capabilities- anything missing?
- Is there anything we missed with regards to QHIN transparency?
  - » Sharing of participation agreements, fee schedules, and supported USCDI data classes
- Fees
  - » Definition of Reasonable Allowable Cost (page 29)
  - » Should we consider allowing for variation in fee structure for people using a lot of bandwidth?
  - » Can we better define the meaning of "reasonable and non-discriminatory criteria and methods in creating and applying pricing models..."? (5.3.1)
  - » Recovery of attributable costs for TPO, but not Individual Access, Public Health, and Benefits Determination (5.3.2)
  - » A QHIN may not impose any royalty, revenue sharing, or other fee on the use of the EHI (including secondary uses) once it's accessed by another QHIN (5.3.3)
- Are there any additional legal obligations or business criteria we should include on types of organizations that can be QHINs?

# Does the definition of a QHIN meet the goal of supporting Broadcast Query at scale, without centralized infrastructure?

## Must Meet ALL the requirements of a Health Information Network, AND:

- Be able to locate and transmit ePHI between multiple persons and/or entities electronically;
- Have mechanisms in place to impose Minimum Core Obligations and to audit Participants' compliance;
- **Controls and utilize a Connectivity Broker service;**
  - a service provided by a Qualified HIN that provides all of the following functions as further described in these terms and conditions with respect to all Permitted Purposes: master patient index (federated or centralized); Record Locator Service; all types of Queries/Pulls; and EHI return to an authorized requesting Qualified HIN. The Qualified HIN's Broker service must return EHI from across all of the Qualified HIN's Participants and their End Users in a single transaction or, upon request of the initiating Qualified HIN, provide a list of all EHI locations back to the initiating Qualified HIN's Broker and, if further requested by the initiating Qualified HIN, subsequently return the requested EHI to the initiating Qualified HIN.
- **Be participant neutral,**
  - meaning that none of the exchanges of EHI by or on behalf of the Qualified HIN include the Qualified HIN itself (whether directly or indirectly) as one of the parties except to the extent that the Qualified HIN receives and maintains such EHI as part of a repository it maintains as a Health Information Network but does not Use or Disclose it except to the extent permitted as a Business Associate under the HIPAA Regulations and other Applicable Law;
- Have Participants that are actively exchanging the data included in the USCDI in a live clinical environment.

# Connectivity Broker Capabilities

- All of Section 3.1

# Is there anything we missed with regards to QHIN transparency?

- Access to Agreements (4.1.1)
- Publication of Fee Schedule (4.1.2)
- Publication of USCDI Data Classes (4.2)
- Disclosures for Patient Safety, Public Health, and Quality Improvement (4.3)

# Fees

- Definition of Reasonable Allowable Cost (page 29)
- Should we consider allowing for variation in fee structure for people using a lot of bandwidth?
- Can we better define the meaning of “reasonable and non-discriminatory criteria and methods in creating and applying pricing models...”? (5.3.1)
- Recovery of attributable costs for TPO, but not Individual Access, Public Health, and Benefits Determination (5.3.2)
- A QHIN may not impose any royalty, revenue sharing, or other fee on the use of the EHI (including secondary uses) once it’s accessed by another QHIN (5.3.3)

# Additional Requirements/Criteria

- Are there any additional legal obligations or business criteria we should include on types of organizations that can be QHINs?



# Homework- Permitted Uses and Disclosures

- Definitions
  - » Benefits Determination (page 23)
  - » Broadcast Query (page 23)
  - » Directed Query (page 25)
  - » Individual & Individual Access (pages 26-27)
  - » Permitted Purposes (page 28)
  - » Population Level (page 28)
  - » Public Health (page 28)
- No Limitation on EHI Aggregation and Permitted and Future Uses of EHI (Sections 2.1, 2.2, & 6.1.2, pages 30 and 36)
- Permitted Purposes and EHI Reciprocity (Section 5.1, page 35)
- Broadcast and Directed Queries (Section 5.4, page 36)
- Access (Section 7, page 43)
- Population Level Data Section (Section 8.1, page 44)
- Participant and End-User Obligations (Section 9.1.1, page 44 & 10.1.1, page 46)

# Workplan

Meeting Date	Discussion Items
February 20 <sup>th</sup> , 2-3pm ET	Welcome, review of TECCA, and review of Task Force project plan
February 23 <sup>rd</sup> , 1-2pm ET	Recognized Coordinating Entity (RCE) eligibility requirements
February 26 <sup>th</sup> , 2-3pm ET	Qualified HIN definition and eligibility requirements
<b>March 2<sup>nd</sup>, 2-3pm ET</b>	<b>Permitted Uses and Disclosures</b>
March 5 <sup>th</sup> , 2-3pm ET	Privacy/Security Begin drafting recommendations
March 9 <sup>th</sup>	NO MEETING- Continue drafting recommendations
March 12 <sup>th</sup> , 2-3pm ET	Review draft recommendations
March 16 <sup>th</sup> , 2-3pm ET	Finalize recommendations
March 19 <sup>th</sup> , 2-3pm ET	Send final recommendation to full committee for review
March 21 <sup>st</sup> , 2-3pm ET	Present recommendations to full committee



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## Trusted Exchange Framework Task Force

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