



Information Blocking (IB) Workgroup 3

Transcript
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Virtual Meeting

SPEAKERS

Name	Organization	Title
Michael Adcock	Individual	Co-Chair
Andrew Truscott	Accenture	Co-Chair
Cynthia A. Fisher	WaterRev LLC	Member
Valerie Grey	New York eHealth Collaborative	Member
Anil K. Jain	IBM Watson Health	Member
John Kansky	Indiana Health Information Exchange	Member
Steven Lane	Sutter Health	Member
Arien Malec	Change Healthcare	Member
Denni McColm	Citizens Memorial Healthcare	Member
Aaron Miri	The University of Texas at Austin, Dell Medical School, and UT Health Austin	Member
Sasha TerMaat	Epic	Member
Lauren Thompson	DoD/VA Interagency Program Office	Member
Sheryl Turney	Anthem Blue Cross Blue Shield	Member
Denise Webb	Individual	Member
Lauren Richie	Office of the National Coordinator	Designated Federal Officer
Mark Knee	Office of the National Coordinator	Staff Lead
Penelope Hughes	Office of the National Coordinator	Back Up/ Support

Lauren Richie – Office of the National Coordinator – Designated Federal Officer

Good afternoon, everyone. Welcome to Workgroup 3 of the Information Blocking Task Force Group. We'll go ahead and get started. Of our members today, I know that we have Andy Truscott and Sasha TerMaat on the line. The other members will be joining us a little bit later here today, so we'll go ahead and get started, starting with revisiting outstanding issues from our prior call, and I'll turn it over to Andy.

Andrew Truscott – Accenture – Co-Chair

Thanks, Lauren. Hi, Sasha.

Sasha TerMaat – Epic – Member

Hello.

Andrew Truscott – Accenture – Co-Chair

This could be a really easy meeting or a really hard meeting. It's just the two of us. The item was to work through the drafting of the recommendations as it currently stands and to start coming out with what our recommendations would look like for the initial draft of a letter of transmittal. Is that okay?:

Sasha TerMaat – Epic – Member

I think that sounds good.

Mark Knee – Office of the National Coordinator – Staff Lead

Andy, I just want to make sure – can you see my screen? I just want to make sure it's up there.

Andrew Truscott – Accenture – Co-Chair

It is. It's just very small again.

Mark Knee – Office of the National Coordinator – Staff Lead

Oh, okay. I'll make it bigger, but is it the right document – you can see "Workgroup 3" and everything?

Andrew Truscott – Accenture – Co-Chair

That looks about right, yeah.

Mark Knee – Office of the National Coordinator – Staff Lead

Okay. There you go.

Andrew Truscott – Accenture – Co-Chair

Okeydokey. So, let's scroll down. For this first one, we actually had no comment at all, so the recommendation is – the workgroup says we're going to leave that. What are you scrolling to, Mark?

Sasha TerMaat – Epic – Member

I'm in the document natively, not watching what Mark's doing. Could we just identify that we're talking about information blocking first?

Andrew Truscott – Accenture – Co-Chair

Yeah, 174-01, “Information Blocking.”

Sasha TerMaat – Epic – Member

We didn’t have anything there, so I think what you put is fine.

Andrew Truscott – Accenture – Co-Chair

Okay, cool. That’s not what I put, that’s what we put.

Sasha TerMaat – Epic – Member

What we put seems to remain sufficient despite the conversation we had earlier this week.

Andrew Truscott – Accenture – Co-Chair

Yes, I think so. Okay, so, 174-02, “Assurances.” This is kind of where we started working. I’m trying to get in place...three parts: Discussion, the reg text recommendation, and a preamble recommendation. Some of the other task forces have been more narrative-based in their recommendations. We’re trying to be a little bit more prescriptive on what our recommendation is to make the meeting recommendations more straightforward for ONC, appreciating that they have a substantial volume of work. We’re also including the discussion about how we got to where we are, and then, recommendations for both the preamble to be amended and the recommendation for the regulatory text as a whole.

So, with the reg text, here’s the entire reg text and what we think it should say. Largely, we’re saying it’s what you have right now with a couple of tweaks, or it might have a more substantive change inside it. But, actually, we’ll give them that as a whole. The preamble will be a bit more intricate in that it might be a suggestion to replace the preamble; it might be a suggestion just to add some text to the preamble, et cetera. Does that make sense?

Sasha TerMaat – Epic – Member

Yup, I follow the format.

Andrew Truscott – Accenture – Co-Chair

Okay, awesome. So, given the first one’s fine, let’s get on to “Assurances.” This is just a placeholder of the reg text for us to start working on and updating.

Sasha TerMaat – Epic – Member

Okay. So, we had two different recommendations we wanted to accommodate here. The first was adding a provision – I think they’re both additions, actually.

Andrew Truscott – Accenture – Co-Chair

Yup.

Sasha TerMaat – Epic – Member

So, should I add in a little bit of –

Andrew Truscott – Accenture – Co-Chair

Yeah, add it in, and we can cover on it. It doesn't have to be a discussion. It can be the actual reg text, and we can update the discussion later.

Sasha TerMaat – Epic – Member

Okay. Let me put in – so, I'm going to edit under B1, and then, I'm going to add what I think we're trying to say is a B1III.

Andrew Truscott – Accenture – Co-Chair

The products which are withdrawn by the developer?

Sasha TerMaat – Epic – Member

Yes. Okay. So, I tried to mimic the formatting of II and just said, "For a shorter period of time, a period of three years from the data withdrawal by the health IT developer of a certified health IT product from certification." And then, are we marking what we're doing as new in some fashion?

Andrew Truscott – Accenture – Co-Chair

No, I'm just saying it might... Eventually, I'll do a compare one, and also, we can highlight changes, but you can't do it in Google Docs that easily.

Mark Knee – Office of the National Coordinator – Staff Lead

From my perspective, if there's any way – I understand the limitations of Google Docs, but it'd be really helpful to have some kind of demarcation.

Andrew Truscott – Accenture – Co-Chair

Mark, once we've compiled all these, I will do a proper comparison in Word and share that so you've got it all.

Mark Knee – Office of the National Coordinator – Staff Lead

Okay, perfect.

Sasha TerMaat – Epic – Member

Okay. I made the font red, and I don't know if that helps or hinders, but at least people can know that's why I made the font red.

Andrew Truscott – Accenture – Co-Chair

Sure. It'll become black very shortly.

Mark Knee – Office of the National Coordinator – Staff Lead

I think it helps more than hinders.

Andrew Truscott – Accenture – Co-Chair

Eventually, the way it's going to be is we'll have original, revised, and then the comparison in three columns. It's taking a while. Okay, so this is... That's what we need to continue in there because I do anyway, but the regulations stand alone.

Sasha TerMaat – Epic – Member

That works. And, in the preamble, we can explain that's currently the practice, but it was important in our conversation – sorry, in the discussion.

Andrew Truscott – Accenture – Co-Chair

Yup.

Sasha TerMaat – Epic – Member

Okay. So, I think those are the two changes that we wanted to propose. And then, should we describe why in the discussion or keep moving on and come back to that?

Andrew Truscott – Accenture – Co-Chair

I think we can come back and pick up the discussion.

Sasha TerMaat – Epic – Member

Okay.

Andrew Truscott – Accenture – Co-Chair

You've done quite a lot of work on "Assurances," haven't you?

Sasha TerMaat – Epic – Member

On "Communications," you mean?

Andrew Truscott – Accenture – Co-Chair

Oh, "Communications," yeah. Let's go on to "Assurances." So, "Assurances" – I must confess that I'm kind of – this is my personal comment – I'm kind of thinking we should say, "Let's hang out and wait until TECCA."

Sasha TerMaat – Epic – Member

Yes, I agree. I feel like it's irresponsible to make a recommendation that we should do something contingent on something we don't know yet.

Andrew Truscott – Accenture – Co-Chair

I concur.

Sasha TerMaat – Epic – Member

I guess our discussion is just that we're specifically recommending that we visit this once we know what the trusted exchange framework looks like.

Andrew Truscott – Accenture – Co-Chair

Yup. Yeah, we'll leave it at that, unless we're about to be told it's available or it's had no changes since the first version, which I don't think we are. Mark's quiet at this point.

Mark Knee – Office of the National Coordinator – Staff Lead

It's your proposal, so I'm just letting you go to work.

Andrew Truscott – Accenture – Co-Chair

If only that had been the case with Workgroup 1. Right, let's go to the next one, which is "Communications." Sasha, over to you.

Sasha TerMaat – Epic – Member

Yeah. So, I'm halfway through this, and we can finish up if the approach that I've been taking seems to be working. So, I think my approach starts...where it first says "Discussion," and we had – just to outline my thinking, I think we had three different themes of conversation when we talked about communications, so I divided it up into three: Discussion/regulatory text/recommendation, discussion/regulatory text/recommendation, and then there's a third one coming that I haven't finished. So, the first one was related to timelines for contractual updates, so I put in the discussion format that says – and, if you scroll down further, it's down further.

Andrew Truscott – Accenture – Co-Chair

I see it.

Sasha TerMaat – Epic – Member

Yeah, I think Mark is still scrolling. Sorry, we have so much context in here. It's down a little bit more.

Mark Knee – Office of the National Coordinator – Staff Lead

Oh, there we go.

Sasha TerMaat – Epic – Member

Yeah, it's here. So, that's where I'm looking. So, I put in the discussion that the theme of our conversation was that the timeline for contract updates was insufficient and that the effort that would need to go into that was underestimated, so I mentioned the example that I think you brought up, Andy. And then, the intent was that there would be a plan for contract updates in two years, updated contracts at next renewal, or within five years. So then, the text is still what we had before, under the proposed regulatory text. And then, as far as I can tell, the regulatory impact analysis where the effort needs to be revised is all preamble, and so, I put that into the preamble text recommendation, but if there's a better way to do that, I can certainly do it.

And then, I moved on to the discussion of the next item, which was related to the requirement that a health IT developer put everyone on notice of third-party content that can't be communicated and enumerated on every part of the screen where it was, and we felt that was not feasible, and instead, it would provide a list. So, I edited in the middle here – maybe put in red the part that I had edited – and, I don't know why there's this lingering comment that I can't get rid of in what I copied. Maybe someone else can figure that out. But, I suggested edits to B2III for that.

Andrew Truscott – Accenture – Co-Chair

Lingering comment...

Sasha TerMaat – Epic – Member

Yeah, it's highlighted weirdly under "sufficient written" – or, maybe that's just a highlight. Oh, okay. That's why I can't figure out how to get rid of it as a comment because it's just a highlight.

Andrew Truscott – Accenture – Co-Chair

Because it's not a comment.

Sasha TerMaat – Epic – Member

Okay. And, I actually didn't edit this part. This was the previous phrase. So, that was the proposal there, and then, I was going to do a third set of discussion and text edits related to the themes that we talked about around screenshots, and there were three areas that we wanted to edit there. I just haven't finished working that in. But, if this seems appropriate, we could do that now, or I can come back to that.

Andrew Truscott – Accenture – Co-Chair

We can do it now. It's just you and me on the call, so we might as well get this one formed up. I think that would be helpful.

Sasha TerMaat – Epic – Member

Okay. For reference, let me copy the things that I want to account for. This is just me working here.

Andrew Truscott – Accenture – Co-Chair

Yeah. I need to – the format I'm trying to follow – we're going to have to combine all this into one at some point.

Sasha TerMaat – Epic – Member

Yeah, I just didn't know how to keep everything exactly referenced. One of these...

Andrew Truscott – Accenture – Co-Chair

Well, "Better draw up the regulatory language, achieving the same goal at ONC's discretion." They're all about simplification today, I think. Mark? Silence.

Mark Knee – Office of the National Coordinator – Staff Lead

Sorry. What was that?

Andrew Truscott – Accenture – Co-Chair

I said you're all about simplification at the moment, right?

Mark Knee – Office of the National Coordinator – Staff Lead

Me or the group?

Andrew Truscott – Accenture – Co-Chair

Well, both.

Mark Knee – Office of the National Coordinator – Staff Lead

I'm all for simplification. I think everyone's realizing that simplification and clarity are tough sometimes in regulations.

Andrew Truscott – Accenture – Co-Chair

We can only grandstand and tell you it needs to be. Okay, let's have a look again.

Sasha TerMaat – Epic – Member

Thank you for fixing my spelling.

Andrew Truscott – Accenture – Co-Chair

That's okay. Actually, I didn't fix it, I just took the word out. "All intellectual properties submit to them." Hmm.

Sasha TerMaat – Epic – Member

But, that's not necessarily held true with all the screen-designed intellectual properties.

Mark Knee – Office of the National Coordinator – Staff Lead

Looks like my internet is doing weird stuff, so we have a spiral situation. Oh, there it goes.

Andrew Truscott – Accenture – Co-Chair

That's okay. Sasha and I are sitting here, crafting the document jointly at the same point in time – it's fun, actually.

Sasha TerMaat – Epic – Member

Yes, and then we can read up and catch up after a few minutes, so this is good.

Andrew Truscott – Accenture – Co-Chair

Yup, that's fine. It's a workgroup actually working as a workgroup.

Sasha TerMaat – Epic – Member

That so rarely happens.

Andrew Truscott – Accenture – Co-Chair

Yeah, unfortunately.

Sasha TerMaat – Epic – Member

Okay, Andy. I'm going to go back and read how you've updated now that I've posted regulatory text recommendations.

Andrew Truscott – Accenture – Co-Chair

You do that. I'll look at the regulatory text.

Sasha TerMaat – Epic – Member

I think the edits look good. I made a couple of adjustments – oh, you accepted them already.

Andrew Truscott – Accenture – Co-Chair

I don't want to make the suggestions. I'll just leave it in editing mode.

Sasha TerMaat – Epic – Member

That's fine. I just wanted to call out what I was doing so that you could see.

Andrew Truscott – Accenture – Co-Chair

That's fine. They were pretty trivial unless you want to discuss them.

Sasha TerMaat – Epic – Member

I think we covered everything in this section, right? So, we have that around...

Andrew Truscott – Accenture – Co-Chair

I think so. I must confess, I lost you again. I actually glanced through a lot of the previous stuff. I raise whistleblower protection as something in here as well, in the unqualified –

Sasha TerMaat – Epic – Member

Oh, did we not get that one?

Andrew Truscott – Accenture – Co-Chair

How did you emplace that?

Sasha TerMaat – Epic – Member

Show me where in the conversation that was, because I might have missed it.

Andrew Truscott – Accenture – Co-Chair

It was up – we were talking about sending reg text original draft. A to I, basically. We said we were raising these issues. We said it twice, actually. We really felt eager about it.

Sasha TerMaat – Epic – Member

A through I, okay... Oh yeah, I think I just missed that. We should incorporate it into our recommendations.

Andrew Truscott – Accenture – Co-Chair

So, where have you talked about 2I – it's 2ID, basically?

Sasha TerMaat – Epic – Member

Oh, and I don't think we actually got the comment that I had on 2IC, either. Maybe we just missed all these comments. I was looking more at our narrative text below.

Andrew Truscott – Accenture – Co-Chair

I can't believe I saw this.

Sasha TerMaat – Epic – Member

Okay. So, I'm going to grab C, and if you want to grab 2ID – you've got D? Okay.

Andrew Truscott – Accenture – Co-Chair

Let's just grab the power graph and head down – I see that a lot with the document. I wonder if you ever see guys actually following this conversation.

Sasha TerMaat – Epic – Member

They're probably just scrolling a lot. Sorry, guys. So, I don't think the... I guess that's just a discussion.

Andrew Truscott – Accenture – Co-Chair

Let's try and capture our discussion in this section, too. Actually, the whistleblowing applies across...B, C, D, and E.

Sasha TerMaat – Epic – Member

Yeah, that's fair. Mark, when you guys were structuring this, did you consider whistleblowing or not?

Mark Knee – Office of the National Coordinator – Staff Lead

Sorry, let me scroll up to exactly where you are. Which specific part are you looking at?

Sasha TerMaat – Epic – Member

2I, "Communications."

Mark Knee – Office of the National Coordinator – Staff Lead

Let me go to the...

Sasha TerMaat – Epic – Member

You guys have gone offline completely, letting us just graft on this, haven't you?

Mark Knee – Office of the National Coordinator – Staff Lead

Well, you have to multitask a little bit.

Sasha TerMaat – Epic – Member

I'll be more modest if you want.

Mark Knee – Office of the National Coordinator – Staff Lead

This is actually Penelope's wheelhouse, so I'll see if Penelope's on.

Penelope Hughes – Office of the National Coordinator – Back Up/ Support

I am on, and I will have to look and see to what extent we talked about that. I don't believe it's in there right now, but I can look into that.

Andrew Truscott – Accenture – Co-Chair

Okay. I'm not actually asking about what's drafted. We know it's not there. Was it considered whilst you were doing the drafting? It sounds like it probably wasn't, which is okay, so I don't mind spending a bit of effort on this. If you had said, "Yeah, we thought about it, and actually, it's covered here, here, and here," then that's okay, too. We wouldn't necessarily spend the effort.

Penelope Hughes – Office of the National Coordinator – Back Up/ Support

Okay. Well, I will look into it and double-check.

Andrew Truscott – Accenture – Co-Chair

Sasha?

Sasha TerMaat – Epic – Member

Yes?

Andrew Truscott – Accenture – Co-Chair

What do you reckon?

Sasha TerMaat – Epic – Member

Let me scroll up here. It's just the last sentence that you added, right?

Andrew Truscott – Accenture – Co-Chair

Yeah.

Sasha TerMaat – Epic – Member

So, from a legal perspective, I'm not sure if it's covered by existing regulatory protections for whistleblowers, but philosophically, it makes sense.

Andrew Truscott – Accenture – Co-Chair

Yeah, they might come back to say, "Hey, you actually" – what was it? Whistleblower – so, the Whistleblower Protection Act only covers federal employees, doesn't it?

Sasha TerMaat – Epic – Member

I don't know.

Andrew Truscott – Accenture – Co-Chair

Hang on. We've got a whole phalanx of lawyers on the phone.

Mark Knee – Office of the National Coordinator – Staff Lead

I'm not sure about that one, but I'll look into it while you're doing your drafting.

Andrew Truscott – Accenture – Co-Chair

I think we're done on this one.

Sasha TerMaat – Epic – Member

I was just starting on the next one, and I wasn't totally sure how to approach it, but you can tell me if you like the direction I went.

Andrew Truscott – Accenture – Co-Chair

The next one as in the RFC on communications?

Sasha TerMaat – Epic – Member

Mm-hmm.

Mark Knee – Office of the National Coordinator – Staff Lead

And Andy, just a quick search showed that the Whistleblower Protection Act protects federal whistleblowers who work for the government and report the possible existence of an activity constituting a violation of the law, so yeah, I believe that's right.

Andrew Truscott – Accenture – Co-Chair

Honestly, provided it's used appropriately, I think protecting people from reporting issues is very important. The balance is that you can't have someone turn around and say, "Okay, my employer, who I've been underperforming to" – let's say that Sasha decides that her employer is blocking information, and she reports it, but actually, Sasha's been underperforming for the last X years. She can't use that as a way of defraying the fact that she's been underperforming. Does that make sense? Obviously, Sasha wouldn't underperform, it would be more likely what I would do, but does that make sense to everybody?

Sasha TerMaat – Epic – Member

It does. I don't know how to construct that to make sense legally. We need someone with better drafting...

Andrew Truscott – Accenture – Co-Chair

That's why I was kind of hoping that there was some existing legislation we could just hang off, but it sounds like that's probably not the case, so we'll have to let ONC do it. I'll tell you what – the natural language transcription of my accent really doesn't get me, does it? Sasha, this is just a "request for comment" section. If we actually have a –

Sasha TerMaat – Epic – Member

Do we want to move that off of the earlier section?

Andrew Truscott – Accenture – Co-Chair

Yeah, I think so.

Sasha TerMaat – Epic – Member

Okay, I'll move it.

Andrew Truscott – Accenture – Co-Chair

Because we're actually suggesting they change the...

Sasha TerMaat – Epic – Member

Yeah, we are. You're right. I don't know why it ended up in this different bucket. I guess that's just where we talked about it, and then I took the notes.

Andrew Truscott – Accenture – Co-Chair

Yeah, for 403, I think we should just be looking at the seven things they raised. Let's back up and look at this. You know when you go back and read something and you're like, "Oh, I didn't realize I'd quite said that"?

Sasha TerMaat – Epic – Member

Yes, it's tough. It happens a lot to me.

Andrew Truscott – Accenture – Co-Chair

When was the last time you read A1?

Sasha TerMaat – Epic – Member

A while back. Should I look at it again?

Andrew Truscott – Accenture – Co-Chair

Yeah, I think so. "The usability of its health IT, the interoperability of its health IT, the security of its health IT, whatever information regarding user experience when using its health IT, business practices developed with its health IT, and the manner in which the user of health IT has used such technology." Isn't there business practices protection somewhere?

Sasha TerMaat – Epic – Member

Can you elaborate? I'm not sure I follow, sorry.

Andrew Truscott – Accenture – Co-Chair

Some of the stuff around "The business practices developed were of health IT-related to exchanging electronic health information." So, the way that sentence is constructed – are you looking at the top of the document? I'll put it into rows just so we can easily see it. I read it in two parts. So, we've got developers who are developers of health IT-related to exchanging electronic health information.

Sasha TerMaat – Epic – Member

Oh, got it. It's like one of those "Where do you put the parentheses in the math equation?" kind of reads. I think this is intended to be read as a phrase.

Andrew Truscott – Accenture – Co-Chair

I think so. But then, is it the business practices related to exchanging electronic health information or is it the business practices of the developers who developed health IT that does electronic health information exchange? ONC, which way was it supposed to be read?

Penelope Hughes – Office of the National Coordinator – Back Up/ Support

This is Penelope. That did come directly from Cures, and...let me find that.

Andrew Truscott – Accenture – Co-Chair

I get that it came directly from Cures, but which way are we supposed to be reading it?

Mark Knee – Office of the National Coordinator – Staff Lead

Let me pull the language up onto the screen. Which specific subsection are we reading from now?

Andrew Truscott – Accenture – Co-Chair

174.03, "Communications," A1V.

Mark Knee – Office of the National Coordinator – Staff Lead

A1V...

Andrew Truscott – Accenture – Co-Chair

Which, in the actual 21st Century Cures, says, "The business practices of developers of health information technology related to exchanging electronic health information." It's pretty clear.

Mark Knee – Office of the National Coordinator – Staff Lead

Sorry. So, what's the question? I'm just trying to catch up.

Andrew Truscott – Accenture – Co-Chair

The question is depending on how you read this sentence with no punctuation inside it, are we talking about the business practices related to exchanging electronic health information or the business practices of a developer where the health IT they've developed relates to exchanging electronic health information?

Mark Knee – Office of the National Coordinator – Staff Lead

I'll look at Cures, but the way I read it –

Andrew Truscott – Accenture – Co-Chair

It doesn't help. It's the same thing, word for word.

Sasha TerMaat – Epic – Member

Can we suggest a change? Andy, does your concern go away if we say "The business practices of health IT developers related to exchanging electronic health information?"

Andrew Truscott – Accenture – Co-Chair

No, it's the same thing. If you said – I'll just report onscreen. If it says...that.

Sasha TerMaat – Epic – Member

Okay, got it. I agree.

Andrew Truscott – Accenture – Co-Chair

That would mean something very different.

Sasha TerMaat – Epic – Member

I thought that's what was intended.

Mark Knee – Office of the National Coordinator – Staff Lead

I'm not sure I'm following – the way I read it, it's the business practices that are being taken by health IT developers that relate to exchanging –

Andrew Truscott – Accenture – Co-Chair

We get that.

Mark Knee – Office of the National Coordinator – Staff Lead

So, what's not clear?

Sasha TerMaat – Epic – Member

Mark, I guess the question is whether – if you had – is it only business practices related to electronic health information exchange, or is it all business practices of a health IT developer if they have a product that does electronic health information exchange?

Penelope Hughes – Office of the National Coordinator – Back Up/ Support

This is Penelope. In the preamble, there's also a quote there under F, "Business practices related to the exchange," where it says, "We propose that the subject matter of," and then, in quotes, "developer business practices related to exchanging electronic health information," so maybe that helps clarify –

Andrew Truscott – Accenture – Co-Chair

Where are you quoting that from?

Penelope Hughes – Office of the National Coordinator – Back Up/ Support

That's on Page 179.

Andrew Truscott – Accenture – Co-Chair

If you go back to the reg text of the actual 21st Century Cures, it has these bullet points verbatim inside it, exactly as they are.

Sasha TerMaat – Epic – Member

Andy, what are you suggesting?

Andrew Truscott – Accenture – Co-Chair

Right now, I'm not suggesting anything. I'm just trying to tell what the intent was because to my mind if the intent was to talk about electronic health information exchange business practices, then isn't that mocked up in II into operating health IT?

Sasha TerMaat – Epic – Member

Yes, I would think so. I read B as having that intent, and perhaps that's because it was confusingly drafted, but I guess I thought it was specifically called out with an interest toward particularly knowing things that might not be about the interoperability features of the health IT, but might be the willingness to test with another party, which might be a business practice that isn't...directly related to interoperability features.

Andrew Truscott – Accenture – Co-Chair

Yeah. So, that goes back to my previous comments. When you reread something a few times and you get several different meanings... The point is that these bullet points are taken directly out of 21st Century Cures. So, it's not like we can say, "Okay, V means the same as II, so we're just going to scrap it." We can't do that because it's in the legislation. We have to provide the amplification to the legislation about what this actually means. My suspicion is it's actually looking to address where a health IT developer, in contracting with their clients, does **[audio cuts out] [00:46:56]** practice which is not considered healthy for the healthcare ecosystem. That's what I guess it means. But, if that's the intent, we could just tweak the words slightly to make it clearer.

Sasha TerMaat – Epic – Member

Like the way, we rearranged the words earlier?

Andrew Truscott – Accenture – Co-Chair

Either do that – that was actually rearranging the words in a way that, as I go through this time and time again, I don't think is the intent. My suspicion is the intent is to say something like, "Health IT..." That is what I suspect it means. Actually, given the definition of "health IT developer," it could have just said, "The business practices of health IT developers." It could have just said that.

Sasha TerMaat – Epic – Member

I guess I read it the other way, and we could argue about intent because it sounds like none of us actually know. I read it as the "business practices" piece was specific to exchanging electronic health information.

Penelope Hughes – Office of the National Coordinator – Back Up/ Support

This is Penelope again. If you look at the preamble on Page 179, that might help. We do have the language very similar to what Sasha just said. "We propose that the subject matter of developer business practices related to exchanging electronic health information."

Andrew Truscott – Accenture – Co-Chair

Yeah, I saw that, and I get that the preamble says that...

Sasha TerMaat – Epic – Member

So, Andy, it sounds like we have a couple of choices. We could point out the ambiguity and confirm the preamble's read, we can point out the ambiguity and suggest an alternative read, or we could just leave this one, knowing it's ambiguous.

Andrew Truscott – Accenture – Co-Chair

Well, we are trying not to leave too much ambiguity around. I quite like the preamble because the preamble makes it clear what the ONC interpretation was, but then, the preamble is a little ambiguous even of itself because it talks about the developer's approach. That can mean a broad range of things.

Sasha TerMaat – Epic – Member

Where does it say that?

Andrew Truscott – Accenture – Co-Chair

I wonder where we just – go on, go ahead.

Sasha TerMaat – Epic – Member

I don't see the developer's approach, sorry. Oh, am I on the next page?

Andrew Truscott – Accenture – Co-Chair

That's on Page 118. "Developer licensing practices." "Developer's approach to participation and their approach to creating interfaces." That feels highly subjective now. "Developer's approach to participation in HIT user networks." Okay, what's good and what's bad?

Sasha TerMaat – Epic – Member

I don't know that there is good or bad here. It's just saying that the developer couldn't say that their approach to "We're going to join this network" is confidential.

Andrew Truscott – Accenture – Co-Chair

Let's say that... Okay, as a developer, are you happy for disclosure of any of those facets of your business practice when it comes to exchanging electronic health information? Because that's what this communications point is around. You may not prohibit or restrict that.

Sasha TerMaat – Epic – Member

I'm nervous if this is more broadly construed to other business practices, but it seems that the way ONC has defined it is the way I originally read it.

Andrew Truscott – Accenture – Co-Chair

Okay. Frankly, with your work hat on, this is more of import to you than it is to me.

Sasha TerMaat – Epic – Member

Sure.

Andrew Truscott – Accenture – Co-Chair

Okay. Maybe it's just a...maybe we should just set... I'm struggling because this is taken word for word out of Cures, and I don't think we can reword Cures, can we? Obviously, we can't reword legislation, but regulation has to say the same if it's literally taken word for word. Is that right, Penelope?

Penelope Hughes – Office of the National Coordinator – Back Up/ Support

Mark, do you have any thoughts on that?

Mark Knee – Office of the National Coordinator – Staff Lead

This might be one on which we'll have to get back to you. I'm not sure. Let me write it down so I remember.

Andrew Truscott – Accenture – Co-Chair

174.03 A1V, but specifically A1, is taken word for word, and this is a good example, but it's a more general point. Where it's taken word for word, you can't go and change the regulation – actually, why are you just copying the legislation to regulation? Why would you do that?

Mark Knee – Office of the National Coordinator – Staff Lead

Well...before I answer that, where do you see A1 – you mean A12? I don't see A1B.

Andrew Truscott – Accenture – Co-Chair

A1V. "The business practices of developers of health IT-related to exchanging electronic health information."

Mark Knee – Office of the National Coordinator – Staff Lead

I'm confused.

Sasha TerMaat – Epic – Member

"V" for Victor.

Mark Knee – Office of the National Coordinator – Staff Lead

Oh, "V." Sorry. Yes, I see that. So, why are we doing it? I think that's – I guess I didn't work on this specifically, but I think, generally speaking, it's a good idea to take as much as possible from Cures because that's the language they put out in the legislation that we need to follow.

Andrew Truscott – Accenture – Co-Chair

Okay. All I'm saying is that this particular one is unclear. I haven't even started picking on I, which has no usability in it, but it's an unclear sentence structure.

Mark Knee – Office of the National Coordinator – Staff Lead

I guess...my opinion – this is not speaking – I think it is clear, but if you don't... The read I'm having of it – and, I think it's what we say in the preamble – is that we're talking about the business practices of health IT developers and only those business practices related to exchanging electronic health information. Penelope, isn't that how we talk about it in the preamble?

Penelope Hughes – Office of the National Coordinator – Back Up/ Support

Yes, that's how the preamble discusses it.

Mark Knee – Office of the National Coordinator – Staff Lead

So, Andy, if you don't think it's clear –

Andrew Truscott – Accenture – Co-Chair

I just wish you said it clearer. Fine, move on. We've exhausted discussion on this.

Mark Knee – Office of the National Coordinator – Staff Lead

I think a good suggestion for that one would be clarifying it more in preamble if you think we're not clear enough. I agree with you; I think it would be difficult to change it because it is taken straight from Cures. That would be my suggestion.

Andrew Truscott – Accenture – Co-Chair

In the preamble, you talk about – you actually say, "It should be broadly construed." Actually, I wouldn't. I wouldn't make this broadly construed at all. I'd make it very specific.

Mark Knee – Office of the National Coordinator – Staff Lead

Well, I think "broadly" in the sense that exchanging electronic health information is quite broad.

Andrew Truscott – Accenture – Co-Chair

The actual text says, "...broadly construed to include developer policies and practices and facilitate the exchange of EHI," whatever that is. Okay, let's get back down to this. Sasha, thanks for your updates.

Sasha TerMaat – Epic – Member

No problem. I would add in the "unproductive communications" edit to the bottom of another section if folks want to look at that. So, my edits are at the very bottom of this box, if Andy's concern has been exhausted.

Mark Knee – Office of the National Coordinator – Staff Lead

I'll be scrolling now. Tell me when to stop.

Sasha TerMaat – Epic – Member

There's a lot of scrolling in this.

Mark Knee – Office of the National Coordinator – Staff Lead

My fingers are getting a workout here.

Sasha TerMaat – Epic – Member

You're getting close, but it's still a little bit further.

Mark Knee – Office of the National Coordinator – Staff Lead

Oh, really? Okay.

Sasha TerMaat – Epic – Member

It's the very end of this box because I just moved it from the next box where we had had the conversation up into this box, which is really where it fits.

Andrew Truscott – Accenture – Co-Chair

Yeah, keep going. You're just about there.

Sasha TerMaat – Epic – Member

That's the discussion, and then, the regulatory text I suggested is on the next page, and I'm sure Andy will have some edits for it.

Andrew Truscott – Accenture – Co-Chair

You can use the definition, but...

Mark Knee – Office of the National Coordinator – Staff Lead

So, just a couple of thoughts. From a reg-writing perspective, generally, you legally shouldn't be putting examples into reg text with an "et cetera," because we have to be really clear, so that might be –

Andrew Truscott – Accenture – Co-Chair

We'll change that.

Mark Knee – Office of the National Coordinator – Staff Lead

But, that would be good for the preamble. That would be a good explanation of what you're talking about.

Andrew Truscott – Accenture – Co-Chair

Is "unprotected communication" a defined term anywhere?

Sasha TerMaat – Epic – Member

No.

Mark Knee – Office of the National Coordinator – Staff Lead

No. You guys made it up. I think that's right. And also, I guess I would ask if you think the parenthetical in A3 – it's pretty much just restating what is not in the parenthetical right?

Sasha TerMaat – Epic – Member

Yeah, I think that's fine.

Mark Knee – Office of the National Coordinator – Staff Lead

But Andy, I think you're right. We'd want to be clear. We need to define what "unprotected communication" means in some way. There you go; I guess you're putting it in there.

Andrew Truscott – Accenture – Co-Chair

We'll come back and reword this shortly. Oh, I see. It's covered.

Sasha TerMaat – Epic – Member

Yeah, those two buckets might cover it.

Andrew Truscott – Accenture – Co-Chair

I think they do. “Postal illegal” covers “hacked.”

Sasha TerMaat – Epic – Member

Right. And, “protected by other means” would include if there were other contracts that would maintain information as confidential.

Andrew Truscott – Accenture – Co-Chair

I think that covers it, right?

Sasha TerMaat – Epic – Member

It seems to. I would love to run it by some coworkers and see if they have any suggestions.

Andrew Truscott – Accenture – Co-Chair

What do you guys think?

Mark Knee – Office of the National Coordinator – Staff Lead

Is that to the ONC folks?

Andrew Truscott – Accenture – Co-Chair

Yes. Well, we can ask other members of the task force, but we’re the only two here.

Mark Knee – Office of the National Coordinator – Staff Lead

That’s why I was confused. Give me a second to read it. Do you mean what do we think more conceptually, or as far as the drafting goes?

Andrew Truscott – Accenture – Co-Chair

It would be more helpful if you were more specific.

Mark Knee – Office of the National Coordinator – Staff Lead

I guess I don’t know that we can really weigh in on the – I don’t want to weigh in on whether it’s a good or bad recommendation. What I would say is maybe in the drafting – I’m trying to pull it up as you’re talking – a lot of times, if there’s any way to parallel the language that you’re using here versus how we describe the other protections that we talked about, that might be helpful.

Sasha TerMaat – Epic – Member

Yeah. I was struggling with that because the other sections were differently structured, so there might be a better – I guess I feel very unconfident that this is the best way to draft the intent. I feel quite confident that the intent of having a category that includes these provisions is important, but I feel very hesitant that the drafting and the approach of adding it as A3 and so forth is the best approach by far. There could be other approaches that are equally effective.

Mark Knee – Office of the National Coordinator – Staff Lead

I think the most important part of these recommendations is making your intent clear on what you think needs to be changed, so I think that's fine. I would also – I thought what you had before, just being very upfront that these are unprotected – maybe even having a header, like if it's italicized or underlined, in the regulatory text saying “unprotected...” whatever you want to call them. That would be good just to be clear – “unprotected communications.”

Andrew Truscott – Accenture – Co-Chair

Just as I'm tweaking this out – you know the difference between “unlawful” and “illegal,” don't you?

Mark Knee – Office of the National Coordinator – Staff Lead

Um...

Andrew Truscott – Accenture – Co-Chair

Please don't tell me I'm going to tell you something new.

Mark Knee – Office of the National Coordinator – Staff Lead

I could think about it and take a guess, but I feel like it might be a trick question.

Andrew Truscott – Accenture – Co-Chair

It's not a trick question. “Unlawful” is something that's against the law. “Illegal” is a sick bird.

Mark Knee – Office of the National Coordinator – Staff Lead

“Illegal is a sick bird”?

Andrew Truscott – Accenture – Co-Chair

Ill-eagle.

Mark Knee – Office of the National Coordinator – Staff Lead

Oh...okay. You know this is a public call, right, Andy?

Andrew Truscott – Accenture – Co-Chair

That's absolutely fine, and it's absolutely fine to have some degree of levity from time to time when we're working through things that are as difficult as this. I hope we can give that to the members of the public for them to take home and use.

Mark Knee – Office of the National Coordinator – Staff Lead

I'm just going to do this.

Andrew Truscott – Accenture – Co-Chair

Okay, that's fine.

Mark Knee – Office of the National Coordinator – Staff Lead

And, as you said, you guys can think about it and tweak it – you don't have the final language right now.

Andrew Truscott – Accenture – Co-Chair

We'll combine all these proposals into a read-off of the entire text so that everything makes sense and is laid out. Okay, I'm good on that. What do we want to get into with the RFC, Sasha? Because we just removed all of that.

Sasha TerMaat – Epic – Member

Let me scroll down. I don't know that we had a lot of recommendations that were separate from our earlier recommendations.

Andrew Truscott – Accenture – Co-Chair

Have you got any comments to make about these seven specific requests? They are making specific requests, but I think we've used all these with our recommendation drafting.

Sasha TerMaat – Epic – Member

I also believe we did.

Mark Knee – Office of the National Coordinator – Staff Lead

From our perspective, we put those in there to get you thinking about the issues that we're thinking about, but you don't have to specifically address them if you think you've addressed those issues in the other recommendations.

Sasha TerMaat – Epic – Member

I think we either addressed them or we had discussed it and determined that we did not need to make a recommendation on that item, and so, I don't think we need anything additional here.

Mark Knee – Office of the National Coordinator – Staff Lead

Okay, great.

Andrew Truscott – Accenture – Co-Chair

Okay, cool. "ONC health IT certification." Actually, may I ask a question here? It's one that's been rattling around over the last couple of days and previous calls. We have a definition of an actor as a health IT developer. I have actually done at least some discussion points in the definitions workgroup, Mark, so you can have a look at that, but when you talk about health IT developers, I believe that going forward, there will be organizations who produce health IT that are not part of any health IT certification program, but they still produce products which we would want to regulate within this, the information-blocking structure. So...go on.

Mark Knee – Office of the National Coordinator – Staff Lead

No, you go ahead. I thought that was it.

Andrew Truscott – Accenture – Co-Chair

So, in the definitions, we always said those definitions apply to all health IT developers whether or not the products developed are subject to the certification program or they've applied for certification because frankly, I know organizations right now that are developing products which they have no intention of selling, but want to provide to providers – give it to them – but because they're not going to sell it or are looking for recompense on it, they won't come under the certification process. They don't need to get downstream money, so they don't need to be certified to do that. So, that's a bit of a gap. Is our intention to have those types of organizations – and therefore, their products – covered by these regulations explicitly, implicitly, or what?

Mark Knee – Office of the National Coordinator – Staff Lead

I'm not sure I'm totally following. We might need to go back over that scenario again, but I do want to make a point of clarification because you started talking about this because of 175.80, right? The ONC review of certified health IT?

Andrew Truscott – Accenture – Co-Chair

Yeah, just talking about the certification program.

Mark Knee – Office of the National Coordinator – Staff Lead

Yeah. So, this is developers, and the definition of "health IT developer of certified health IT" is specific to information blocking in 171. So, that's an important point of clarification because what you're talking about is health IT – in the certification program, we're now talking about the conduct, but these are health IT developers under the program, whereas for information blocking, our definition says you had to have one product certified when the conduct took place that's being accused of information blocking, but it stretches more broadly than just that certified product.

Lauren Wu – Office of the National Coordinator – SME

This is Lauren. Could I add to that, Mark?

Mark Knee – Office of the National Coordinator – Staff Lead

Yeah, definitely.

Lauren Wu – Office of the National Coordinator – SME

So, the way that Cures is structured is to frame the conditions and maintenance of certification requirement of conditions of participation within the ONC health IT certification program, so I think because of that framing, there's a necessary tieback to developers that are participating in the certification program since it's part of the certification program structure and how we enforce compliance with it. So, to what Mark was saying, what's proposed here in 175.80 is just the enforcement mechanism for health IT developers of certified products because our reach is through the certification program. Separately from that, like Mark just mentioned, as you know, for information blocking more broadly – not the information blocking condition of certification but information blocking more broadly for Part 171 – OIG has enforcement authority for health IT developers as well as ONC for health IT developers that are not necessarily certifying health IT software.

Andrew Truscott – Accenture – Co-Chair

Okay, I think that's a clear distinction, that the obligations of these regulations are for all developers of health IT whether or not their products are certified.

Mark Knee – Office of the National Coordinator – Staff Lead

No...

Andrew Truscott – Accenture – Co-Chair

That's what Lauren just said.

Mark Knee – Office of the National Coordinator – Staff Lead

Is that what you just said?

Lauren Wu – Office of the National Coordinator – SME

Just Part 171 for the information-blocking provision. That's what I was referring to.

Mark Knee – Office of the National Coordinator – Staff Lead

Kind of. But, there is – I can pull our definition of “health IT developer of certified health IT.” There has to be that tie that you have to have a product certified in the program, but the conduct doesn't actually have to be tied to that product.

Andrew Truscott – Accenture – Co-Chair

So, let's just clarify here. Sorry to take us on a little bit of a curveball, but it's easier here than in Workgroup 1. Are we saying that information blocking as a concept can only apply to health IT developers who have developed certified health IT and, by implication, is only something which anyone who's utilizing certified health IT can be guilty of? That seems to be a very fine definition.

Mark Knee – Office of the National Coordinator – Staff Lead

It's a little more complicated. I'm just going to pull up the definition so you can see it because I think it's hard to... The way we defined it is not as broad as what you're saying, and we had an intensive discussion in the preamble about this.

Andrew Truscott – Accenture – Co-Chair

Oh, I know, and that's why I'm looking for something simple and easy to understand because everyone who wants one is going to want to know this.

Mark Knee – Office of the National Coordinator – Staff Lead

So, I think – again, we disagreed on the clarity of the communications clause that we were talking about from Cures –

Andrew Truscott – Accenture – Co-Chair

No, you and the workgroup disagreed, not “we.”

Mark Knee – Office of the National Coordinator – Staff Lead

Okay. So, here's the definition, and this is a little bit outside of the scope of this workgroup, but the definition of "health IT developer of certified health IT" means "An individual or entity that develops or offers health information technology and which had, at the time, engaged in the practice that is the subject of an information-blocking claim, health IT (one or more) certified under the program."

Andrew Truscott – Accenture – Co-Chair

But, what does that say? What does 42.300JJ say?

Mark Knee – Office of the National Coordinator – Staff Lead

Well, that's just the definition of health IT. That's what we're talking about here.

Andrew Truscott – Accenture – Co-Chair

Okay. So, this has "health IT developer of certified health IT." That's fine. As a tie-to, I get that, but we are therefore saying that a health IT developer of IT that is not certified is not subject.

Mark Knee – Office of the National Coordinator – Staff Lead

Well, under the information-blocking drafting – and, this is based on our interpretation of Cures, and I can get that language as well – based on our read, there has to be a tie into certification the way we're reading the language, and we talk about that in the preamble. I think it'd be easier just to read that than to have me try to regurgitate it.

Andrew Truscott – Accenture – Co-Chair

No, that's fine. You set it up. There is that tie-in, and we need to consider whether we want that tie-in or not, or we want to get into that – go on.

Mark Knee – Office of the National Coordinator – Staff Lead

However, I would say there is a request for comment that we're not focusing on in the other workgroup because there are other issues, but I believe we did request comment on the scope and the way we defined health IT developers of certified health IT and whether we hit the mark on it. So, people can definitely comment.

Andrew Truscott – Accenture – Co-Chair

We've got comments in there already. Don't you fear. So, let's go back to the task at hand, which means we are just talking about certified health IT because we are just talking about the certification program. Sasha, back to you.

Sasha TerMaat – Epic – Member

I was just listening along and trying to make sure I understood. Are we onto the next item?

Andrew Truscott – Accenture – Co-Chair

Yes, we are. We're on 580.

Mark Knee – Office of the National Coordinator – Staff Lead

Sasha, actually, I know that when I was at the HITAC meeting, I think you raised this issue about health IT developers, and I can pull the page in the preamble, but it'd probably be helpful for the question you raised to read that discussion of health IT developer of certified health IT in preamble.

Sasha TerMaat – Epic – Member

I have, and I understand the ONC link. You're taking the enforcement mechanism that Cures references and saying that by necessity, the definition must be limited by the enforcement mechanism. I think I understand why you've taken that approach, and I have a fair understanding of what the proposed regulatory approach is. As I said in the meeting on Tuesday, I do worry that the definition absent the enforcement section is not narrow in Cures, and I think there is a fair read of Cures that says they intended for no health IT developers to information-block regardless of whether they ever participate in the certification program. And so, I know that's the purview of the other task force, but my point on Tuesday was to encourage the other task force to consider that. I understand the language about the enforcement piece, but that is a very specific language that was not echoed in the broader definition of health IT developers.

Mark Knee – Office of the National Coordinator – Staff Lead

Just to be clear, which enforcement piece are you talking about?

Sasha TerMaat – Epic – Member

Of information blocking.

Mark Knee – Office of the National Coordinator – Staff Lead

Oh. Sorry, can you be – I'm not sure I follow about the enforcement.

Sasha TerMaat – Epic – Member

I'll pull up a reference. We're really co-opting the other –

Mark Knee – Office of the National Coordinator – Staff Lead

Yeah, I feel like we probably need to get back.

Andrew Truscott – Accenture – Co-Chair

Which other task force is considering this, by the way?

Mark Knee – Office of the National Coordinator – Staff Lead

Well, the definition of "health IT developer of certified health IT"? That would be in the purview of Workgroup 1, but –

Andrew Truscott – Accenture – Co-Chair

That's what I thought it was, but when you said "other task force," I was like, "Hang on, there's another task force doing this?" But, yeah, it's this taskforce, but in Workgroup 1.

Mark Knee – Office of the National Coordinator – Staff Lead

And, I think it's playing out. We have plenty to talk about in that group, and the topics we put on the agenda seemed more up for debate, but we're definitely open to recommendations.

Andrew Truscott – Accenture – Co-Chair

Mark, it's only because we haven't gotten there yet. I actually thought the EHI definition – given that I'd independently gone round everybody, and everybody had said they were fine with it, until we got on the call, and all of a sudden, they weren't fine.

Mark Knee – Office of the National Coordinator – Staff Lead

Yeah, I think that's the only thing that people were in agreement on – that they were not fine. Sasha, we can get back to conditions, but the confusion I had was as far as information blocking goes, when we talked about enforcement, all we talked about was the penalty structure, and then we tie in enforcement with the conditions of the certification enforcement, but that's only for developers under the program.

Sasha TerMaat – Epic – Member

My sense was that – so, they say, “‘Information blocking’ means a practice that, if conducted by a health information technology developer, exchange, et cetera,” and the references in that section of Cures in the definition are not limited to developers of certified health IT, as far as I understand it. And so, in the regulatory text, ONC is saying “health IT developer” is a certified health IT developer, and I think that's a deliberate narrowing, which I was questioning. Does that make sense, Mark?

Mark Knee – Office of the National Coordinator – Staff Lead

I think so. It's probably not the conversation down here, but I do remember looking at this, and we tried to look at what Congress's intent was and analyzed it as such. I think the best way is just for me to say I'd refer you to the preamble, where we had the discussion that you said you read, and if it's not clear or if you think that we didn't interpret congressional intent the right way, we definitely welcome comments on that.

Andrew Truscott – Accenture – Co-Chair

Mark, you should read the notes on Workgroup 1 because there's a whole bunch of discussion there around health IT developers who have elected for certification versus those developers of health IT who do not seek certification.

Mark Knee – Office of the National Coordinator – Staff Lead

Is that in the Google Doc?

Andrew Truscott – Accenture – Co-Chair

That's in the Google Doc of Workgroup 1 in the very last section, “Parties affected by the information-blocking provision.”

Mark Knee – Office of the National Coordinator – Staff Lead

Was that recently added? I don't remember seeing that.

Andrew Truscott – Accenture – Co-Chair

Yeah, it was probably added over the last couple of days.

Sasha TerMaat – Epic – Member

I lost track of where we're editing now.

Andrew Truscott – Accenture – Co-Chair

We're not even inside Workgroup 3 now, we're in Workgroup 1, but it's germane and interlinked, and it's all under the subject of this task force. Now, Sasha, I think you're bang on because if we're saying this only applies to developers of certified health IT, I'm not sure that's what Cures intended, and I think with emerging business models around health IT, there is going to be a decreasing number of people who seek certification because there's no value in doing them. And also, OIG's enforcement – are you going to say that the only people who will be sanctioning IT developers are going to be ONC? That doesn't seem to make sense either.

Sasha TerMaat – Epic – Member

Andy, are you talking about information blocking broadly or Subpart E, which is where we left off "broadly"?

Andrew Truscott – Accenture – Co-Chair

I'm talking about the actors who actually could be deemed guilty of it.

Sasha TerMaat – Epic – Member

Sure. I think Subpart E is clearly about the certification program, and it wouldn't make sense that that part would be broader, but in general, information blocking could be broader, which was the point I was making to Mark a minute ago.

Andrew Truscott – Accenture – Co-Chair

Yes, and that's the point I'm agreeing with as well. The certification program is the only mechanism available to ONC to censure health IT developers of certified health IT. In fact, I think it's the only program that ONC has to censure health IT developers – if their products are certified IT. Is that correct? That's the assumption I've been working with.

Mark Knee – Office of the National Coordinator – Staff Lead

Yeah. I'll let Lauren weigh in, but what we're doing here with the conditions is extending them to conduct, but it would still be for developers under the program. But, if Lauren wants to chime in –

Lauren Wu – Office of the National Coordinator – SME

Yeah, I completely agree. That's where we have authority.

Andrew Truscott – Accenture – Co-Chair

Okay. So, what authority does OIG have over health IT developers?

Mark Knee – Office of the National Coordinator – Staff Lead

The authority given to OIG is for information blocking, and that's straight from Cures. That says that they have enforcement authority for the information blocking proposals that we're putting through in regulation.

Andrew Truscott – Accenture – Co-Chair

But, is that authority only over those developers of health IT where that health IT is certified?

Mark Knee – Office of the National Coordinator – Staff Lead

Andy, I'll frame it – in Cures, there are these four actors that are identified by Congress: Developers, providers, exchanges, and networks. And, what we've done is define those terms. Based on our read of Cures and the way that they use "developer" and talk about certification, we narrowed our definition to say that it would be – a developer of certified IT, like I pulled up, would have to have at least one product certified under the program at the time that the suspect conduct took place. But, as we talk about in preamble, it doesn't have to do with that. It's broader than just that one product or conduct related to that product, but the tie-in is to the certification of at least one product.

Andrew Truscott – Accenture – Co-Chair

That's where I think we might have a disconnect in intent and what we achieve because if you said the only implications in information blocking will be for those certified health IT products, then that would tie in with the reading. But, because we say if you're a developer and you have a product that's certified health IT, but if the information blocking is going on in one of your other products, we're going to come after you, that's where I think there's a disconnect.

Mark Knee – Office of the National Coordinator – Staff Lead

I'll just say this. I don't want to hijack this conversation because you guys were making really good progress, but in preamble on Page 332, we say that "Sections 3002B1 and B1A state in relevant part that OIG may investigate information-blocking claims regarding a health information technology developer of certified health information technology or other entity offering certified health information technology." And, the way we read these sections is that they make it clear that information-blocking provisions and OIG's authority extend to individuals or entities that develop or offer certified health IT. I think it might be an interpretation disconnect between where we are and where you are, but we are going to talk about this in the full task force meeting in our presentation, so I'm not sure how much time we'll have for discussion or Q&A, but it could be something that's raised.

Andrew Truscott – Accenture – Co-Chair

That's okay. We absolutely should. I think this is a good conversation to have across the whole task force. One of the reasons for actually having it right now is because you've got Sasha and me on the phone – and Denise, hello, we know you're listening – who are knee-deep in this stuff and involved with developers. It's a conversation that we're going to have to have in the full task force, but we just want to get your point of view on it and see where ONC was coming from ahead of that. It is very helpful.

Mark Knee – Office of the National Coordinator – Staff Lead

I would say that it is a... I'll just say while being discrete – Cures wasn't absolutely clear about what it meant, and there was interpretation we felt was necessary, and in preamble, we are very clear about how we interpreted and what steps we took to look at the language in Cures and the Public Health Service Act to make our interpretation, but it's definitely a conversation we can have.

Andrew Truscott – Accenture – Co-Chair

The danger is that we inadvertently don't achieve Cures and what Cures wanted us to achieve because our definitions are too narrow, but I think we all get that. Okay. Should we all get back onto this one, 580?

Mark Knee – Office of the National Coordinator – Staff Lead

Sure.

Sasha TerMaat – Epic – Member

That works.

Andrew Truscott – Accenture – Co-Chair

Sasha, you take the first stab.

Sasha TerMaat – Epic – Member

Okay. I'm just looking at the – do we have regulatory text?

Andrew Truscott – Accenture – Co-Chair

I don't think we do, do we? I think we've got more comment around the preamble.

Mark Knee – Office of the National Coordinator – Staff Lead

So, this one – you're looking at 580, right? This is the one that Lauren talked about for quite a while and explained really well, that what we're doing is just – we didn't put reg text in because we're basically just taking the process we have in place previously for direct review of certified products and making modifications, and we thought that it was clear, and I think Lauren or someone else plugged in this table to make clear how we differentiate the sections here.

Sasha TerMaat – Epic – Member

I think it was me who plugged in the table, but yes.

Andrew Truscott – Accenture – Co-Chair

It was Sasha who plugged it in.

Mark Knee – Office of the National Coordinator – Staff Lead

Well, there you go. Thank you, Sasha.

Sasha TerMaat – Epic – Member

Okay. So, I'm going to put some discussion...

Mark Knee – Office of the National Coordinator – Staff Lead

And, I think we talked about it, but there are some distinctions that I think we noted that we don't include – steps like suspension and proposed termination, which are part of the direct review process that currently exists. They wouldn't apply for the conditions. I don't think anyone had an issue with that.

Andrew Truscott – Accenture – Co-Chair

You would move straight to ban?

Mark Knee – Office of the National Coordinator – Staff Lead

Well, not straight to ban. We have the steps that we talk about – providing notice, corrective action, and so on and so forth. We didn't include the suspension, and again, Lauren can probably speak – maybe I'll see if Lauren wants to weigh in about why we didn't include those steps before I go.

Lauren Wu – Office of the National Coordinator – SME

Sure. So, if you recall, the direct review process that we have today over the enhanced oversight and accountability final rule really stipulates, generally speaking, that there has to be a pretty egregious patient safety consideration. For that process, we have the suspension process because if there is a belief that there's some kind of patient safety risk, we could suspend the certificate of the products while we're investigating exactly what's going on. What we say in the preamble is for the conditions and maintenance of certification, we don't necessarily see there always being an egregious patient safety circumstance, especially since a lot of the conditions concern developer behaviors and actions, and so, we proposed not to have the suspension step when we're enforcing the conditions of certification.

And then, likewise, we proposed to streamline the process somewhat and still work through a corrective action process with the developer, but instead of having a proposed termination step like we do today that gives a developer an additional timeframe and opportunity to remedy the issue, we could go straight from the corrective action process to the termination. Of course, the developer can appeal the determination if there is a ban or a product decertification, and there was one more point I wanted to make, but I'm blanking, so if it comes to me, I'll mention it.

Andrew Truscott – Accenture – Co-Chair

Okay, thanks, Lauren. So, what do we want to do with this, Sasha?

Sasha TerMaat – Epic – Member

I put in some – I tried to move our proposed recommendation into some preamble text and discussion.

Mark Knee – Office of the National Coordinator – Staff Lead

Am I at the right place, or should I scroll down?

Andrew Truscott – Accenture – Co-Chair

We don't know. We're not even looking at your screen, Mark.

Sasha TerMaat – Epic – Member

We're just live in the Google Doc.

Andrew Truscott – Accenture – Co-Chair

So, I'm not sure that the recommendation to use certified mail was a preamble, or was that actually regulation that the communications shall...?

Sasha TerMaat – Epic – Member

That's a good question, and I don't know. Let me look at the actual regulatory text.

Penelope Hughes – Office of the National Coordinator – Back Up/ Support

It would be both. There's a separate section – it would be 175.05 – that concerns how ONC communicates for the program in general, which would encompass our use of direct review as well.

Sasha TerMaat – Epic – Member

Okay, I copied that in.

Mark Knee – Office of the National Coordinator – Staff Lead

And so, I would guess if a change were to be made as you're suggesting, we'd probably make the change to 505 to clarify.

Andrew Truscott – Accenture – Co-Chair

Yeah, I think that's the right place. Okay, it says, "Class 1 communications with ONC or [inaudible] [01:34:35] shall be conducted by email." Shouldn't that say...?

Sasha TerMaat – Epic – Member

I think we might want to add another – and, I don't know if we'd add it to C – but, for specific communications that we listed, those would use both.

Andrew Truscott – Accenture – Co-Chair

We'd do it simultaneously by email and registered mail. Hey, look, as all of you said, "unless otherwise necessary or specified," so we're deeming it necessary and specifying it. That's good. You already wrote it, just thinking that we were going to comment.

Sasha TerMaat – Epic – Member

Does that work, Andy? I can make this red to show that it was an edit.

Andrew Truscott – Accenture – Co-Chair

Yeah, "under direct review..." Change the "and" to an "or."

Penelope Hughes – Office of the National Coordinator – Back Up/ Support

So, I'm probably putting on the hat I shouldn't – I'm pretending to be task force member – I'm just going to pose the question. Did you also want that to include notices concerning the appeals process?

Andrew Truscott – Accenture – Co-Chair

That's a good call. I like it.

Sasha TerMaat – Epic – Member

Are you editing it, Andy, or should I?

Andrew Truscott – Accenture – Co-Chair

You can edit. You're typing.

Sasha TerMaat – Epic – Member

All right.

Andrew Truscott – Accenture – Co-Chair

Is there an expectation in ONC that these processes are going to be used more?

Mark Knee – Office of the National Coordinator – Staff Lead

Yeah. Well, I mean, we can't – go ahead, Lauren.

Lauren Wu – Office of the National Coordinator – SME

I was going to say what you were going to say. I would defer you to the preamble. I don't want to make any comments.

Andrew Truscott – Accenture – Co-Chair

Okay, then don't.

Mark Knee – Office of the National Coordinator – Staff Lead

I think it's a fair thing to say that we are expanding the scope of review, so there's more to look at.

Andrew Truscott – Accenture – Co-Chair

Yeah, I think so.

Sasha TerMaat – Epic – Member

When do we need to stop for public comment? I'm just watching the clock.

Andrew Truscott – Accenture – Co-Chair

Eight minutes' time.

Sasha TerMaat – Epic – Member

Okay. Should we try to get through 581?

Andrew Truscott – Accenture – Co-Chair

Yes.

Sasha TerMaat – Epic – Member

I don't know that we had any recommendations in that one, so that might be fast.

Andrew Truscott – Accenture – Co-Chair

Exactly. It'd be very quick.

Sasha TerMaat – Epic – Member

All right, excellent.

Andrew Truscott – Accenture – Co-Chair

I don't think there is anything to add to this one.

Sasha TerMaat – Epic – Member

I'm just going back up to the very top to copy what you said about the first one.

Andrew Truscott – Accenture – Co-Chair

Yeah, type that in.

Sasha TerMaat – Epic – Member

And then, I'll paste that in, yes.

Andrew Truscott – Accenture – Co-Chair

I think it's saying that ONC has done a fantastic job and we're very keen on this one as it stands. Or, alternatively, we endorse it. We thought you'd appreciate some endorsement.

Mark Knee – Office of the National Coordinator – Staff Lead

Everyone needs it sometimes.

Sasha TerMaat – Epic – Member

Okay. So then, the next one was about public listings of certification bans and terminations, and we had two thoughts. So, I guess this is – is there regulatory text that we should copy? Would it be 581?

Lauren Richie – Office of the National Coordinator – Designated Federal Officer

So, for the request for comment, it doesn't really concern any proposed regulatory text.

Sasha TerMaat – Epic – Member

Okay. So, maybe we should just answer the questions in narrative fashion?

Andrew Truscott – Accenture – Co-Chair

Yeah.

Lauren Wu – Office of the National Coordinator – SME

Yeah.

Andrew Truscott – Accenture – Co-Chair

We suggested indefinite communication, and...

Sasha TerMaat – Epic – Member

We could add a little bit of context as to why we made these two suggestions.

Andrew Truscott – Accenture – Co-Chair

Yeah.

Sasha TerMaat – Epic – Member

I guess for the second one, “The sense of the task force was that knowledge,” or, sorry, that... This is for the first one. “...knowledge of past bans is important.” And then, for the second one... I’m just looking at our notes.

Andrew Truscott – Accenture – Co-Chair

Hey, Mark?

Mark Knee – Office of the National Coordinator – Staff Lead

Yes? What’s up?

Andrew Truscott – Accenture – Co-Chair

A bit of bad news – I’ve just spotted a cloud.

Mark Knee – Office of the National Coordinator – Staff Lead

Yeah, I still haven’t spotted any blue sky where I am.

Andrew Truscott – Accenture – Co-Chair

It’s okay. It’s very small. It’s just a wispy one, that’s all.

Denise Webb – Individual – Member

Where are you, Andy?

Andrew Truscott – Accenture – Co-Chair

In Texas, at home – Houston. You can’t tell from my accent.

Denise Webb – Individual – Member

Yeah, right. I’ve been on, but I haven’t been able to speak until now because I was in the doctor’s office.

Andrew Truscott – Accenture – Co-Chair

I’m sorry. It’s good to have you here.

Denise Webb – Individual – Member

It was hard because I wanted to say something when you all were having a conversation about the definition of “health IT developer.”

Andrew Truscott – Accenture – Co-Chair

Well, feel free to contribute now, while Sasha's graphing.

Sasha TerMaat – Epic – Member

I think I've finished graphing if you want to take a look, but...

Andrew Truscott – Accenture – Co-Chair

I'm reading it now.

Denise Webb – Individual – Member

Let's just stay with where Sasha is at. I'm good.

Andrew Truscott – Accenture – Co-Chair

Yes, that's fine.

Sasha TerMaat – Epic – Member

Okay, I'm moving on.

Denise Webb – Individual – Member

That looks good.

Sasha TerMaat – Epic – Member

A through IIA. I've got to go copy that.

Andrew Truscott – Accenture – Co-Chair

Dumb question, actually – how many self-developers actually certify their health IT?

Lauren Wu – Office of the National Coordinator – SME

We don't honestly have a very good handle on that because of the way that we collect data on the CHPL, but in our analysis of the data we do have – I can't give you an exact proportion, but it's pretty small. I would say probably less than five percent of all the certified health IT developers.

Andrew Truscott – Accenture – Co-Chair

Okay. That ties into our earlier conversation around what a health IT developer is. I'm pretty sure that the large majority of self-developers probably don't seek to get certification because they don't need to.

Denise Webb – Individual – Member

I would agree with that, Andy, because the reason Marshfield's, Mayo, and others got their technology health IT certified was so that they could meet the meaningful use requirements, but those entities develop things beyond – or, did develop things beyond what we've needed for the EHR certification program, but they didn't get that all certified. Even other health systems today are doing development that sits on top and uses data out of EHR through APIs. Unless they want to lend some credibility or

wanted to market and sell it... I think ONC will certify technologies that are not specifically for EHR – at least, I thought they did.

Lauren Wu – Office of the National Coordinator – SME

Yes, that's right. We certify data warehouses, some HIEs, so, yes, we certify more than just the traditional EHR.

Andrew Truscott – Accenture – Co-Chair

It ties neatly back to the conversation we were having earlier around how far-reaching we want this to be. An organization like Marshfield's is why [inaudible] [01:45:04] and interoperability components around it, but they're not certified. Does that mean I can say, "Well, my software's not certified, therefore I'm not guilty of information blocking"? And, they're a dual actor – they're a developer as well as a provider.

Denise Webb – Individual – Member

When you all were having that conversation earlier about the intent of Congress and the Cures Act on information blocking, if you think about it from the patient's perspective, if a health system has technology that's certified and not certified, and it has EHI, and the patient wants it, and you don't give it to the patient, you're information blocking. I think it's pretty clear cut when it comes to the data provider. It doesn't matter whether it's certified or not. I think the information-blocking intent was that the patients should get their data, and if a health system wants to move from one platform to another or one vendor to another, it's implied in the regulations that they're expecting all EHI and all data can be moved.

Andrew Truscott – Accenture – Co-Chair

I think we're going to need to discuss that not only in the task force but also –

Denise Webb – Individual – Member

That's why we're going to be on your call tomorrow, because of how we narrowed the EHI export in our recommendations.

Andrew Truscott – Accenture – Co-Chair

Yeah, I'm looking forward to the conversation with the other task force on that. But, honestly, I think this is going to be a discussion point that we're going to want to talk about not only in full task force but also in full committee, just so everyone's on the same page. Given the conversation we had on prior authorization yesterday, I'm pretty sure there are going to be some fairly strident views around this as well.

Lauren Richie – Office of the National Coordinator – Designated Federal Officer

Okay. We should probably take a quick break for public comment.

Andrew Truscott – Accenture – Co-Chair

That sounds good.

Lauren Richie – Office of the National Coordinator – Designated Federal Officer

Then, we can finalize. Operator, would you please open the line?

Operator

If you'd like to make a public comment, please press *1 on your telephone keypad. A confirmation tone will indicate your line is in the queue. You may press *2 if you'd like to remove your comment from the queue. For participants using speaker equipment, it may be necessary to pick up your handset before pressing *.

Lauren Richie – Office of the National Coordinator – Designated Federal Officer

Let's see if we get lucky. Any comments in the queue at this time?

Operator

None at this time.

Lauren Richie – Office of the National Coordinator – Designated Federal Officer

Okay. That'll give us back eight minutes.

Sasha TerMaat – Epic – Member

I put the recommended text in for the final one, so if folks want to look at that, then we might be done.

Andrew Truscott – Accenture – Co-Chair

I concur.

Denise Webb – Individual – Member

Is that the one where you added –

Sasha TerMaat – Epic – Member

At the very bottom of the entire document.

Andrew Truscott – Accenture – Co-Chair

But, where's the original reg text in there? "The developer employees and contractors – a health IT developer may prohibit or restrict communications between employees and contractors." Did it say that?

Sasha TerMaat – Epic – Member

Yeah. So, the idea in the communications provision is that a health IT developer might share confidential stuff with their employees and could expect the employees to keep it confidential, but when we were viewing this from a self-development perspective, we realized that employees of the same entity that might be performing the self-development might be health IT users, who are intended to have their communications protected under Cures. So, this edit –

Andrew Truscott – Accenture – Co-Chair

Wouldn't that get picked up in our whistleblowing point?

Sasha TerMaat – Epic – Member

I don't know that it would, because it's a little bit different. A health IT user who wanted to communicate about the usability of the self-developed product wouldn't necessarily be a whistleblower. They might just be saying, "Hey, I love this product, it's the best," or "I don't like this product."

Denise Webb – Individual – Member

I'm not seeing it. Is that the text you're supposed to have up on the screen right now? I'm seeing 170.505.

Sasha TerMaat – Epic – Member

No, they're at the wrong spot.

Mark Knee – Office of the National Coordinator – Staff Lead

I'm behind. They told me to stop scrolling because they were not paying attention.

Andrew Truscott – Accenture – Co-Chair

No, we didn't say to stop, we just told you to move up.

Mark Knee – Office of the National Coordinator – Staff Lead

So, what page am I on, Sasha? I can scroll down there.

Andrew Truscott – Accenture – Co-Chair

The very bottom. The very end.

Sasha TerMaat – Epic – Member

The last page.

Denise Webb – Individual – Member

So, what you said, Sasha, in response to Andy's comment – I agree with you. Those users need to be able to talk about their experience using it, their usability, and this and that. That's not the same as whistleblowing.

Sasha TerMaat – Epic – Member

So, I proposed the sentence in red on the screen to accommodate what we had previously discussed as this provision for self-developed systems, but certainly, go ahead and suggest changes if we want any.

Andrew Truscott – Accenture – Co-Chair

I'm not quite sure that it gets to what we're talking about. "They're not permitted communications with their user employees with respect to these provisions." Okay, communications to whom?

Denise Webb – Individual – Member

To anyone.

Sasha TerMaat – Epic – Member

The “who” isn’t specified in the “Communications” section. Your communications might be to any party depending on which of the flavors of communication is taking place.

Andrew Truscott – Accenture – Co-Chair

Okay. So, given that this is an RFC section, are we attempting to actually move that into our proposed regulatory text?

Sasha TerMaat – Epic – Member

Sorry, I don’t follow what you’re saying.

Denise Webb – Individual – Member

I don’t either.

Andrew Truscott – Accenture – Co-Chair

This is an RFC section, and you’ve got proposed regulatory text drafting, so I’m proposing we actually move that regulatory text up to – there’s a section way above that I’m looking at right now.

Denise Webb – Individual – Member

So, you’re saying this is a request for comment section versus a proposed regulatory text change.

Andrew Truscott – Accenture – Co-Chair

Yeah. So, we should actually put it in the section above. That’s all.

Denise Webb – Individual – Member

You just want to move it. Oh, okay. I don’t know if you want to say “user employees” or “employees using the software” versus “developing the software.”

Andrew Truscott – Accenture – Co-Chair

Yes, that’s fine. “Using” or “developing.”

Sasha TerMaat – Epic – Member

If we have three minutes left, I have a suggestion.

Andrew Truscott – Accenture – Co-Chair

Actually, I was going to pronounce that we can probably close this workgroup, but if you have suggestions, go ahead.

Sasha TerMaat – Epic – Member

I had a suggestion from a coworker on what we talked about earlier. So, you remember in the “unprotected communications” section, I said I’d love to pass that language by a coworker and see if they had any feedback. I got back some input on how we might be able to draft that more clearly, and so I would love to get your take on if we wanted to make any changes there in the last three minutes.

Andrew Truscott – Accenture – Co-Chair

Go ahead.

Denise Webb – Individual – Member

Go ahead and propose.

Sasha TerMaat – Epic – Member

It's up on – let me look at the page here. How do I see what page this is? Maybe 14 or 15.

Denise Webb – Individual – Member

I think you went too far.

Sasha TerMaat – Epic – Member

I put this comment off to the right with the language that my colleague suggested – I can paste it inline if that's easier.

Mark Knee – Office of the National Coordinator – Staff Lead

Okay. Here we go.

Sasha TerMaat – Epic – Member

This was my colleague's proposed alternative drafting.

Denise Webb – Individual – Member

It's that little print off to the right?

Sasha TerMaat – Epic – Member

It's the new red text.

Andrew Truscott – Accenture – Co-Chair

What are we looking at?

Sasha TerMaat – Epic – Member

So, the red text that I just pasted in that starts off with "3). A health IT developer may prohibit or restrict..."

Mark Knee – Office of the National Coordinator – Staff Lead

It's up on the screen, Andy if you have that.

Andrew Truscott – Accenture – Co-Chair

Oh. So, the proposed wasn't a reword, it was a wholesale change.

Mark Knee – Office of the National Coordinator – Staff Lead

It was "Let's make this longer."

Sasha TerMaat – Epic – Member

So, my colleague suggested a slightly different approach because instead of defining “unprotected communications,” he suggested framing it in this alternate way. And then, he included more examples.

Andrew Truscott – Accenture – Co-Chair

You just have these lawyers sitting around doing nothing. I get what he’s doing. I like the explicit nature of what you had proposed before because we acknowledged there are some communications which must be unprotected.

Sasha TerMaat – Epic – Member

Yeah. We could incorporate these examples into the unprotected communications if you wanted to keep that point.

Andrew Truscott – Accenture – Co-Chair

Or, we could put this in the preamble.

Denise Webb – Individual – Member

Yeah, that’s a lot to put in regulatory text.

Andrew Truscott – Accenture – Co-Chair

I thought we did that one yesterday. Okay. Well, I knew it was too much –

Sasha TerMaat – Epic – Member

You want me to move it to the preamble?

Andrew Truscott – Accenture – Co-Chair

I was trying to shut down this workgroup, too...

Mark Knee – Office of the National Coordinator – Staff Lead

And, one thing just to note because we talked about it before: It seems like there might be more detail in this language that Sasha pulled over, which is fine, but you want to make sure that anything you pull into preamble is just clarifying the regulatory text. So, if you’re proposing that brief regulatory text, you want to make sure the preamble isn’t going beyond that. It’s just explaining it.

Andrew Truscott – Accenture – Co-Chair

I must say that if I look at 3I and 3IV, it’s talking about the communication versus the content, it’s talking about “communication is unlawful” – okay, I’ve got that, and then you’re talking about “The content is subject to the lawful obligation.” Okay. This just seems a bit more intricate.

Sasha TerMaat – Epic – Member

I agree.

Denise Webb – Individual – Member

Yeah. I don’t think we’re going to resolve this in our remaining minutes – or actually, we’re over.

Andrew Truscott – Accenture – Co-Chair

We're not. Oh, looks like we're going to have another workgroup meeting to discuss just this that Sasha brought to the table in the last three minutes. Thanks, Sasha.

Mark Knee – Office of the National Coordinator – Staff Lead

All right. Well, I'll keep it on the schedule, then.

Andrew Truscott – Accenture – Co-Chair

We'll do it. We'll come straight in and talk about this. Okay, guys. Thank you ever so much. I think we've got this workgroup into a particularly good place, so, thank you.

Denise Webb – Individual – Member

Thanks, Sasha, for all your help.

Mark Knee – Office of the National Coordinator – Staff Lead

Thanks, everyone. Have a good night.

Sasha TerMaat – Epic – Member

Bye.

Denise Webb – Individual – Member

Talk to you tomorrow. Bye.

Andrew Truscott – Accenture – Co-Chair

See you tomorrow.