



Meeting Notes

Health Information Technology Advisory Committee Information Blocking Task Force Workgroup 1: Relevant Statutory Terms and Provisions April 03, 2019, 12:00 p.m. – 2:00 p.m. ET Virtual

The April 03, 2019, meeting of the Information Blocking Task Force Workgroup 1: Relevant Statutory Terms and Provisions of the Health IT Advisory Committee (HITAC) was called to order at 12:00 p.m. ET by Lauren Richie, Designated Federal Officer, Office of the National Coordinator for Health IT (ONC).

Lauren Richie called the meeting to order and conducted roll call.

Roll Call

MEMBERS IN ATTENDANCE

Michael Adcock, Co-Chair, Individual
Andrew Truscott, Co-Chair, Accenture
Cynthia Fisher, Member, WaterRev, LL
John Kansky, Member, Indiana Health Information Exchange
Sheryl Turney, Member, Anthem

MEMBERS NOT IN ATTENDANCE

Denni McColm, Member, Citizens Memorial Healthcare

ONC STAFF

Cassandra Hadley, HITAC Backup/Support
Mark Knee, ONC Staff Lead
Morris Landau, ONC SME
Lauren Richie, Branch Chief, Coordination, Designated Federal Officer
Lauren Wu, SME

Lauren Richie turned the meeting over to **Michael Adcock**, co-chair.

Michael Adcock reviewed the agenda. There was a lot of discussion about the agenda, but the group agreed to move forward with the planned agenda and discuss price transparency during the next meeting.

Health information networks/exchanges



Andy Truscott reviewed the language that was in 21st Century Cures (Cures). He proposed the following language.

Health Information Exchange or *HIE* means the act of accessing, transmitting, processing, handling, or other such use of Electronic Health Information, or the organization or entity conducting that act.

Health Information Network or *HIN* means an individual or entity that satisfies one or several of the following—

- (1) Determines, oversees, administers, controls, or substantially influences policies or agreements that define business, operational, technical, or the conditions or requirements for Health Information Exchange between or among two or more unaffiliated individuals or entities, or
- (2) Provides, manages, or controls, or substantially influences any technology or service that enables or facilitates health Information Exchange between or among two or more unaffiliated individuals or entities, or
- (3) Determines, oversee, administers, controls, or substantially influences policies or agreements that define business, operational, technical, or other conditions or requirements for Health Information Exchange between or among two or more affiliated individuals or entities, or
- (4) Provides, manages, controls, or substantially influences any technology or service that enables or facilitates Health Information Exchange between or among two or more affiliated individuals or entities.

Cynthia Fisher thought ONC did a good job of merging the Cures definition which was already discussed. . Cynthia expressed concerns about vertically integrated organizations.

Sheryl Turney has concerns over inclusion of affiliated individuals and entities in HIN definition.

John Kansky summarized a potentially impactful discussion point. He noted that it is important that there isn't a definition of developer that is limited to certified technology. There are developers that may not certify their technology, such as those developed for IOS or EHRs that are given away. The regulation could amplify the business opportunity of not sharing data.

- **Mark Knee** noted that there could potentially be a statutory amendment.
- **Sheryl Turney** suggested requiring that a system that uses PHI has to be certified.
- The group disagreed with this because there isn't a certification for these programs (e.g., HIE).

Andy Truscott agreed to share a comparison document that will show the changes that have been made.

The definition below is where the group landed at the end of the call and is reviewing to come to a consensus.

Health Information Exchange or *HIE* means the act of accessing, transmitting, processing, handling, or other such use of Electronic Health Information, or the organization or entity conducting that act.



Health Information Network or *HIN* means an individual or entity that satisfies one or several of the following—

- (1) Determines, oversees, administers, controls, or defines policies or agreements that define business, operational, technical, or other conditions or requirements for Health Information Exchange between or among two or more individuals or entities, or
- (2) Provides, manages, or controls, any technology or service that enables or facilitates Health Information Exchange between or among two or more individuals or entities, or

Andy Truscott asked everyone to do their homework and review prior to the next meeting.

Public Comment

There was no public comment.

Next Steps and Adjourn

The next meeting is on Thursday, April 4 at 1:00 p.m. ET. **Lauren Richie** adjourned the meeting at 2:00 p.m. ET.