



Meeting Notes

Health Information Technology Advisory Committee (HITAC) Trusted Exchange Framework and Common Agreement

Task Force

July 9, 2019, 12:00 p.m. – 1:30 p.m. ET

Virtual

Executive Summary

The Trusted Exchange Framework and Common Agreement Task Force (TEFCA TF) reviewed the Draft Transmittal Letter and addressed remaining concerns from the task force in preparation for the presentation to the HITAC on July 11, 2019.

Agenda

- 12:00 p.m. **Call to Order/Roll Call**
- 12:05 p.m. **Review Draft Recommendations**
- 1:20 p.m. **Public Comment**
- 1:30 p.m. **Next Steps and Adjourn**

Roll Call

John Kansky, Co-Chair, Indiana Health Information Exchange

Arien Malec, Co-Chair, Change Healthcare

Noam Arzt, HLN Consulting

Anil Jain, IBM Watson Health

David McCallie, Jr., Individual

Carolyn Peterson, Individual

Sasha TerMaat, Epic

Grace Terrell, Envision Genomics, Inc

Sheryl Turney, Anthem Blue Cross Blue Shield

Denise Webb, Individual

MEMBERS NOT IN ATTENDANCE

Laura Conn, CDC Federal Representative

Cynthia A. Fisher, WaterRev, LLC

Aaron Miri, The University of Texas at Austin, Dell Medical School, and UT Health Austin

Steve L. Ready, Norton Healthcare

Mark Roche, Centers for Medicare and Medicaid Services (CMS)

Mark Savage, UCSF Center for Digital Health Innovation

Andrew Truscott, Accenture

ONC STAFF

Zoe Barber, ONC Staff Lead

Cassandra Hadley, Acting Designated Federal Officer, ONC

Lauren Richie, Branch Chief, Coordination, Designated Federal Officer



Review Draft Recommendations

Task Force members made final changes to the Draft Transmittal Letter in preparation for a presentation to the HITAC on July 11, 2019.

OVERARCHING RECOMMENDATIONS

Recommendation 2: Incentivize Adoption of TEFCA - The second draft of TEFCA manifests that ONC has clearly listened and responded to feedback. The more the final TEFCA is artfully balanced to achieve its ends in a way that is accommodating for stakeholders, the more likely stakeholders will organically adopt and participate in TEFCA. The TF urges consideration of this perspective as ONC weighs new feedback and considers options and compromises. Regardless of how well conceived the final TEFCA is, there need to be sufficient incentives to encourage participation. We recommend that ONC consider both “carrots and sticks” for TEFCA adoption, such as:

- Education and outreach across the industry
- Outreach to existing frameworks and networks to coordinate launch and adoption efforts
- Funding aimed at any emerging financial obstacles for QHINs and participants
- Federal agencies requiring TEFCA participation as a condition of contracts with federal agencies
- Centers for Medicare and Medicaid Services (CMS) requiring TEFCA participation as a part of value-based purchasing programs or possibly including it as a condition of participation in Medicare and Medicaid once TEFCA has matured through real-world testing and reached a meaningful level of initial participation

TEFCA TF Feedback

- The phrase “CMS requiring TEFCA participation” was changed to “CMS encouraging TEFCA participation.”
- It was noted that the last bullet contradicts the voluntary nature of the program. In an effort to provide CMS more freedom as to which programs they will incorporate into TEFCA, the bullet was edited to “CMS encouraging TEFCA participation”.
- The order of the last two bullets was switched to put the strongest requirement at the end of the list

Recommendation 3 Preamble Text:

TEFCA TF Feedback

- The phrase “should be the easiest means” was replaced with “should be an easy means”. This change in language from “the easiest” to “an easy” was also made in the last bullet of Recommendation 3.
- It was clarified that TEFCA participation should be a means for actors “to comply with relevant information blocking requirements” instead of “to achieve relevant information blocking requirements”. The text was changed to reflect the clarification.

APPLICABLE LAW

Recommendation 5: To add clarity and avoid misinterpretation, ONC should reframe Privacy and Security Obligations as:

- Health Insurance Portability and Accountability Act (HIPAA) obligations extended to cover Participants and Participant Members who are not Covered Entities (CEs) or Business Associates



(BAs)

- New privacy and security obligations which go beyond HIPAA and cover all Participants and Participant Members, such as:
 - Meaningful Choice
 - No EHI outside the US
 - Specific identity-proofing and authentication policies (IAL2 and AAL2)

TEFCA TF Feedback

- The word “reframe” was replaced by the word “categorize”.

QHIN TECHNICAL FRAMEWORK (QTF, EXCHANGE MODALITIES, EXCHANGE PURPOSES)

Recommendation 9 Preamble Text:

TEFCA TF Feedback

- The word “specific” was added to describe the patient matching and linking approaches.
- The last two sentences reading “For example, a public health reporting organization may wish to form a QHIN to address state by state needs for reportable labs, reportable conditions, and other disease surveillance needs. Such a QHIN would need only a subset of exchange modalities and permitted uses” was removed because it contradicted Recommendation 9.
- The first sentence was changed to include Participants and Participant Members in addition to QHINs.

Recommendation 9: Participants and Participant Members should be able to serve (and respond to) a subset of Exchange Purposes and modalities that are appropriate to their scenario of usage, constrained as appropriate by the needs of individuals as well as the goal of reciprocity. All QHINs should serve a core common set of functional requirements, Exchange Purposes and modalities. Over time, QHINs and the TEFCA will evolve to add additional purposes and modalities above and beyond the minimum required, and we recommend flexibility to allow specialization for additional purposes and modalities. Some of the core capabilities we expect all QHINs to offer are:

- Addressing the functional requirements for query
- Holding an individual’s meaningful choice determinations and preferences
- Security Standards
- Reciprocal exchange interaction with other QHINs
- Meeting the MRTCs

TEFCA TF Feedback

- The sentence “All QHINs should serve a core common set of functional requirements, Exchange Purposes and modalities” was moved to the beginning of the Recommendation 9 text.

Recommendation 10 Preamble Text:

TEFCA TF Feedback

- In order to avoid the second list of examples as being seen as an afterthought both groupings of examples, those at the beginning and end of the paragraph, were combined into once sentence.
- The phrase “nationwide exchange systems that will not be met by the QHIN infrastructure outlined ” was replaced by “nationwide exchange systems that are not well suited to the QHIN infrastructure requirements outlined”



Recommendation 14 Preamble Text:

TEFCA TF Feedback

- The word “unintended” was removed from the discussion of consequences.

PRIVACY

Recommendation 16: It is reasonable and practical to permit the use and disclosure of an individual’s previously disclosed EHI following and individual’s exercise of Meaningful Choice to not have their EHI shared through the TEFCA in light of the significant challenge created in contemplating how to implement applying such a policy retrospectively. There was a very strongly held minority opinion that the TEFCA should enshrine a “right to be forgotten” once an individual exercises his or her Meaningful Choice not to participate in TEFCA- mediated exchange and that this includes restrictions on re-disclosure of exchange information that has been previously incorporated into the electronic health records of a Participant/ Participant Member.

TEFCA TF Feedback

- The phrase “enshrine a ‘right to be forgotten’ once an individual exercises his or her Meaningful Choice not to participate in TEFCA-mediated exchange and that this includes restrictions on re-disclosure of exchange information that has been previously incorporated into the electronic health records of a Participant/ Participant Member”” was replaced by the phrase “expand the scope of Meaningful Choice to include restrictions on re-disclosure of exchanged information that has been obtained via the QHIN Network.”

Public Comment

There were no public comments.

QUESTIONS AND COMMENTS FROM THE CHAT WINDOW

Julie Maas: At least not "without substantive changes to the way these systems are working well in the field today"... (wrt the "not well suited" text)

Next Steps and Adjourn

The task force members were thanked for their hard work on finishing the Draft Transmittal Letter. The letter will be presented to the HITAC on July 11, 2019. The meeting was adjourned at 1:00 p.m.