

HTI-2 Final Rule: TEFCA

Fact Sheet: Trusted Exchange Framework and Common Agreement™ (TEFCA™)

December 2024

Overview of TEFCA

The 21st Century Cures Act (Pub. L. 114-255, Dec. 13, 2016) (Cures Act) authorizes the National Coordinator to develop or support a trusted exchange framework, including a common agreement among health information networks (HINs) nationally. The Trusted Exchange Framework and Common Agreement (TEFCA) has three goals: (1) to establish a universal governance, policy, and technical floor for nationwide interoperability; (2) to simplify connectivity for organizations to securely exchange information to improve patient care, enhance the welfare of populations, and generate health care value; and (3) to enable individuals to gather their health care information.

Learn more about [TEFCA](#).

TEFCA Part 172 Provisions

The HTI-2 final rule finalizes a new part of the Code of Federal Regulations (CFR) for provisions related to TEFCA in 45 CFR Part 172. The final provisions further implement the Public Health Service Act (PHSA) section 3001(c)(9) as added by the Cures Act and provide greater transparency of TEFCA processes. The provisions:

- Establish processes associated with the qualifications necessary for an entity to receive and maintain Designation as defined in § 172.102.
- Establish procedures governing Onboarding of QHINs and Designation of QHINs as defined in § 172.102; and suspension, termination, and administrative appeals to ASTP.

Codify requirements related to QHIN attestation for the adoption of TEFCA in subpart G of Part 172. This subpart implements section of the PHSA 3001(c)(9)(D):

- Requires the publication on ASTP's website of those HINs that have adopted and are capable of trusted exchange according to the Common Agreement, section 3001(c)(9)(D)(i).
- Requires HHS to establish, through notice and comment rulemaking, a process for HINs that voluntarily elect to adopt TEFCA to attest to such adoption in section 3001(c)(9)(D)(ii).

The provisions support reliability, privacy, security, and trust within TEFCA, which furthers TEFCA's ultimate success.

TEFCA Manner Exception

The HTI-2 final rule makes no changes to the TEFCA Manner Exception (§ 171.403), but adopts TEFCA-related definitions for information blocking purposes, as proposed. For background, in the HTI-2 Proposed Rule, we requested comment on whether the TEFCA Manner Exception should include the restrictions found in the Fees and Licensing Exceptions, and whether we should sunset the carveout for Fast Healthcare Interoperability Resources (FHIR®) application programming interface (API)-based requests. Additionally, we codify certain definitions relevant to TEFCA in § 171.401, adopting by cross reference the same definitions found in 45 CFR 172.

Administrative Updates and Corrections

Administrative updates and corrections to current regulatory provisions of the ONC Health IT Certification Program (Program) are also included in the final rule.

- Removal of the terms of the “Complete EHR” and “EHR Module” because they are no longer relevant in the Program.
- Removal of time-limited certification criteria.
- Made a correction to Privacy and Security Certification Framework to add § 170.550(h)(4).
- Addition of the “decision support interventions” (§ 170.315(b)(11)) certification criterion to the list of certification criteria that are included in the Privacy and Security Certification Framework.