eHealth Exchange

Operating Policy & Procedure

SUBJECT: PARTICIPATION – REVIEW AND DISPOSITION OF APPLICATIONS FOR PARTICIPATION		
STATUS: FINAL – Approved by CC	POLICY #: OPP-1	
Effective Date: 6/14/13	Version: 3.2	Page 1 of 9

I. Purpose

The Coordinating Committee is responsible for supporting Participants who wish to Transact Message Content with other Participants. Among the responsibilities granted to the Coordinating Committee by the Participants is the right to determine whether to admit new Participants who will be signatories to the DURSA. To fulfill this responsibility, the Coordinating Committee will review and act on applications for Participation ("Application(s)") submitted by organizations that wish to become Participants ("Applicants"). This policy outlines a framework for assessing the qualifications, eligibility and readiness of valid legal entities and governmental entities to become Participants.

II. Policy

The Coordinating Committee, in the exercise of its discretion applying the participation requirements set forth below, will accept Applicants as Participants.

A. General Eligibility Requirements (Administrative)

1. To be accepted as a Participant, an Applicant must meet all of the following administrative criteria, hereinafter referred to as "General Eligibility Requirements":
    a. Be a valid business in good standing or a governmental agency, operating in the United States;
    b. Meet all solvency and financial responsibility requirements imposed on the Applicant by applicable statutes and regulatory authorities;
    c. Be an organization or agency that oversees and conducts, on its own behalf and/or on behalf of its Participant Users, electronic transactions or exchanges of health information among groups of persons or organizations;
    d. Utilize a system which has been verified as compliant with the Performance and Service Specifications by the Compliance Testing Body (CTB);
    e. Have the organizational infrastructure and legal authority (through statutes, regulations, organizational agreements, contracts or binding policies) to comply with the obligations in the DURSA and to require its Participant Users to comply with applicable requirements of the DURSA;
    f. Intend to Transact information with other Participants for a Permitted Purpose;
    g. Have sufficient financial, technical and operational resources to support the testing and operation of transactions among Participants;

h. Is not aware of any information that would preclude the Applicant from fully complying with the provisions of the DURSA; and

i. Submit the completed Application, the signed DURSA Joinder Agreement (Attachment 7 of the DURSA), and the eHealth Exchange Participation Agreement along with the applicable participation fees.

2. General Eligibility Requirements may be amended from time to time, as determined by the Coordinating Committee. In addition, an Applicant's past activities as a Participant may be considered.

3. While an Applicant's Application must include a signed copy of the DURSA Joinder Agreement, such signature does not make the Applicant a party to the DURSA. The Applicant does not become a party to the DURSA until the Coordinating Committee accepts the Applicant as a Participant and duly executes the Applicant's Joinder Agreement. The Coordinating Committee reserves the right to decline an Applicant participation even if such Applicant signs the DURSA Joinder Agreement in the exercise of the Coordinating Committee's discretion in applying the criteria set forth in this document.

B. Technical Requirements

In addition to the General Eligibility Requirements, to be accepted as a Participant, the Applicant must also satisfy the following Technical Requirements:

1. Has a system implemented in a production-ready environment that complies with the Performance and Service Specifications;
2. Successfully complete the required technical testing of Applicant's system in accordance with the Validation Plan; and
3. Certify the Applicant is ready to begin exchanging data with other Participants in production through the Applicant's successfully tested system.

III. Procedure

The following procedures outline the steps for determining whether an Applicant has satisfied the eligibility requirements to be a Participant. The process for testing and determining whether a system complies with the Performance and Service Specifications is addressed in the Validation Plan.

A. Verify General Eligibility Requirements (Administrative)

1. Delegation of Rights

   a. The Coordinating Committee has designated Healtheway, Inc. ("Healtheway") as the operational support organization for Participants and the Coordinating Committee.

      i. The Coordinating Committee has chosen to delegate authorities, duties or responsibilities to Healtheway including but not limited to: the receipt, processing, and review and disposition of Applications, coordinating with Applicants, the designated Compliance Testing Body ("CTB"), and the Coordinating Committee in the Applicant testing process and issuance and maintenance of Digital Credentials.

   b. The Coordinating Committee has chosen to delegate authorities, duties or responsibilities to a designated CTB, including but not limited to conducting all testing with Applicants and Applicant Technology Partners in accordance with the Validation Plan.

2. Application Submission

Applicants shall prepare and submit their Application to Healtheway.

The Application supports the verification of eligibility requirements set forth in the Policy Section above. For details regarding the type of information that should be included in the Application, please see the Guidance in Section IV below.

3. Readiness Review of the Application

Healtheway shall conduct a cursory review of the Applications in a timely manner and determine if the Application is ready for Coordinating Committee Review.

4. Review and Disposition of Application

a. The Coordinating Committee shall review the Application and determine whether an Applicant meets the General Eligibility Requirements. So long as the Applicant provides timely responses, it is anticipated that this process will usually be completed within thirty to forty-five (30-45) days.

b. The Coordinating Committee may consult with the Applicant to request additional information regarding the Application and proposed services and/or transactions, suggest changes or modifications to the Application including the supporting documentation, request verification of elements of the Application including screen shots, audit log excerpts, metrics or system demonstrations, or make other recommendations the deemed reasonably necessary during the review.

If the Applicant fails, or declines, to respond to the request, provide requested information or modify its Application within ninety business (90) calendar days of the Coordinating Committee and/or Healtheway's request, the Application may be considered withdrawn.

If the Coordinating Committee determines that the Applicant meets the General Eligibility Requirements, the Applicant will be directed to complete requisite testing with the CTB.

c. If the Application does not meet the General Eligibility Requirements, the Applicant will be notified in writing. An Applicant may submit a new Application for future consideration by the Coordinating Committee after correcting the identified deficiencies.

d. Any Applicant may withdraw its Application at any time by informing the Coordinating Committee of such withdrawal.

e. Once the determination for acceptance or rejection of an Application has been made, the Applicant shall be informed in writing of the decision as well as supporting rationale.

B. Verify Technical Requirements

1. Receive and Evaluate of Applicant Test Results

a. Healtheway will provide the Coordinating Committee a copy of Applicant's test results as completed by the CTB, including a recommendation regarding whether to accept the Applicant as a Participant based upon the Performance and Service Specifications and the Validation Plan.

b. During consideration of the test results, the Coordinating Committee may consult with the Applicant or CTB, request additional information, notify the Applicant of items that require remediation to comply with the Performance and Service Specifications or suggest changes to the Applicant's implementation of the Performance and Service Specifications.

c. The Applicant shall notify the Coordinating Committee of its election to remediate or not remediate any non-conformance of its implementation of the Performance and Service Specifications.

d. If the Applicant elects not to remediate any non-conformance, the Application shall be considered to be withdrawn.

e. The Coordinating Committee may hold an Application pending completion of any needed remediation, changes or modifications as well as any needed follow up testing to ensure the Applicant is able to meet the Performance and Service Specifications.

C. Determine Participation

1. If the Applicant meets the General Eligibility Requirements and has successfully completed all required testing, the Applicant shall be conditionally accepted as a Participant.
2. The Applicant's acceptance as a Participant is conditioned on the Applicant's being able to begin exchanging data in production with other Participants within one-hundred and twenty (120) calendar days following the date the Applicant was conditionally accepted as a Participant. During that time the following activities will occur:
    a. No more than thirty (30) days before an Applicant is scheduled to be activated to begin exchanging information with Participants in production, the Coordinating Committee Chair (or Chair's Designee) will execute the DURSA Joinder Agreement. The Chair shall notify the Coordinating Committee of such designation and may designate an individual who is not a member of the Coordinating Committee. ..
    b. The Applicant will be issued its Digital Credentials.
    c. The Applicant shall provide the requested information to Healtheway to add the Applicant to the service registry.
    d. Healtheway shall add the Applicant's information to the service registry within two (2) business days of receiving such required information.

    At this point the Applicant becomes activated as a Participant. Other Participants will be able to identify the new Participant and begin transacting health information with that new Participant.
3. If an Applicant is unable to go into production as a Participant within the one hundred and twenty (120) calendar-day timeframe or on another date mutually agreed upon by the Coordinating Committee and Participant, the Applicant may request an extension.

a. Extension requests must be made in writing prior to end of the original 120-day period or the expiration of a previous acquired extension and submitted to Healtheway. The request shall include the rationale of the extension and the number of days requested. Healtheway will review the extension request for completeness and present it to the Coordinating Committee for approval.

b. If the extension request is denied, it shall have the same effect as a rejection.

c. If the extension request is accepted, it shall result in the extension of the timeframe for the Applicant to identify a specific effective date on which the Applicant's system will be operational, in production and ready to exchange information with other Participants in production.

d. Applicants may submit multiple extension requests, each of which the Coordinating Committee will review and disposition.

4. An Applicant's formal acceptance as a Participant takes effect on the date the Applicant's system is operational in a production environment and able to transact Message Content with other Participants and when the Applicant's Digital Credentials are activated.

D. Examples

The following are several examples that illustrate ways in which the Coordinating Committee may apply the General Eligibility Requirements. These examples are not intended to describe all possible scenarios.

- **Scenario 1**: An entity that licenses system software to its clients, but has not confirmed it has an agreement with its clients that requires the clients to use the software to transact information only for the purposes allowed by the DURSA.

  Scenario 1 – Eligibility Implications: The entity is not eligible to be a Participant because the entity does not have the legal authority to require its clients to comply with the applicable requirements of the DURSA.

- **Scenario 2**: An entity that facilitates the transaction of information among various parties by helping the parties to reach agreement on conduct expectations, but does not provide the software that allows those parties to transact information.

Scenario 2 – Eligibility Implications: The entity is not eligible to be a Participant because it does not have the technical ability to meet the Performance and Service Specifications and does not conduct exchanges of health information.

- **Scenario 3**: An entity that licenses software to its clients that allows the clients to transact data with other Participants without the oversight of the entity as an intermediary.

  Scenario 3 – Eligibility Implications: The entity is not eligible to be a Participant because the entity is not overseeing and conducting exchanges of health information.

- **Scenario 4**: An entity that licenses software to its clients, acts as its clients' intermediary in the exchange of information with others, and has agreements with its clients that require the clients to use the software in accordance with the terms of the DURSA

  Scenario 4 – Eligibility Implications: The entity is eligible to be a Participant.

IV. Definitions:

Applicant: The legal entity or government agency that submits an Application for Participation.

Application for Participation ("Application"): The document that serves as an application to participate in the eHealth Exchange.

Compliance Testing Body ("CTB"): the testing and certification body designated by the Coordinating Committee to conduct testing in accordance with the Validation Plan and to verify whether an Applicant or Participant complies with the Performance and Service Specifications.

DURSA: Data Use and Reciprocal Support Agreement

All other capitalized terms, if not defined herein, shall have the same meaning as set forth in the DURSA.

V. References:

- "Restatement of the Data Use and Reciprocal Support Agreement (DURSA) (May 3, 2011)"

VI. Related Policies and Procedures:

VII. Version History Date

	Date	Author	Comment
1	6/24/09	Randy Sermons	Original – NHIN Review and Acceptance Operating Policies and Procedures for Participation were separate.
2	10/19/09	Mariann Yeager	Combined the two operating policies and procedures into a single document. Created a separate document for Participation Changes, Suspension and Termination
1	6/24/09	Randy Sermons	Original – NHIN Review and Acceptance Operating Policies and Procedures for Participation and were separate.
2	10/19/09	Mariann Yeager	Combined the two operating policies and procedures into a single document. Created a separate document for Participation Changes, Suspension and Termination.
3	10/21/09	Mariann Yeager	Included edits / comments from the 10/20 Team review call.
4	10/28/09	Mariann Yeager	Revised based upon input from the 10/28 Team review call.
5	11/4/09	Aaron Seib, Randy Sermons, Erin Whaley, Mariann Yeager	Revised based upon input from the 11/3 Team review call.
6	11/27/09	Erin Whaley and Steve Gravely	Revised based on input from the 11/5 and 11/19 CC calls.
8	10/11/10	Erin Whaley and Steve Gravely	Revised to included refined eligibility criteria, remove the term "NHIN" and clearly describe the sequence of events once a Application has been conditionally accepted as a Participant.
9	2/15/11	Erin Whaley and Steve Gravely	Revisions based on recommendations from Operations Tiger Team.
10	2/25/11	Coordinating Committee	Approved by Coordinating Committee
11	3/21/12	Edye Taylor	Revisions based on Changes to the DURSA and deletion of the Definitive Plan
12	3/27/12	Mariann Yeager, Edye Taylor, Marcia Gonzales	Further revisions to streamline the process.

13	4/17/12	OPP Task Group	Incorporated edits from Task Group review on 4/16/12 and 4/1712
14	10/12/12	Christina Arenas Mariann Yeager	Incorporated Coordinating Committee Comments from the 10/10/11 Ad Hoc Meeting
15	11/1/12	Mariann Yeager	Incorporated edits suggested by eHealth Exchange Participants from OPP review call.
16	1/9 – 1/14/13	Christina Arenas Mariann Yeager	Added language regarding CC Chair or designee counter-signing Joinder Agreements, including Participant comments from a 1/10/13 webinar to notify CC of such designation
17	2/15/13	Jennifer Rosas Mariann Yeager	Incorporated edits suggested by the VA.