

Operating Policy & Procedure

SUBJECT: PARTICIPATION – CHANGES, SUSPENSION, TERMINATION		
STATUS: FINAL – Approved by the CC	POLICY #: OPP-3	
Effective Date: 3/16/13	Version: 2.0	Page 1 of 10

I. Purpose

The Coordinating Committee is responsible for developing, implementing and operating the eHealth Exchange. The fulfillment of these responsibilities involves making changes with regard to the Transaction Patterns supported by a Participant as well as suspension and termination of Participants based upon a Participant's request or upon action of the Coordinating Committee.

II. Policy

This Policy outlines a framework for accepting and reviewing requests by Participants to make changes with regard to the Transaction Patterns they support, as well as processes and procedures for suspension and termination of a Participant, whether initiated by the Participant or by the Coordinating Committee.

A. Changes to Transaction Patterns

A Participant may notify the Coordinating Committee's Designee, Healthway, of its plan to add, modify, or terminate a Transaction Pattern ("Service Change"). Healthway will inform the Coordinating Committee of the request for a Service Change and the Coordinating Committee will strive to comply with all Service Change requests.

B. Suspension

1. Voluntarily by the Participant.

Pursuant to DURSA Section 19.02(a), a Participant may voluntarily suspend its participation in the eHealth Exchange.

2. With Cause by the Coordinating Committee.

Pursuant to DURSA Section 19.03, the Coordinating Committee may suspend a Participant from participating in the eHealth Exchange.

3. Reinstatement by the Coordinating Committee.

Pursuant to DURSA Section 19.03, after a period of suspension and upon successful completion of the Participant's corrective action plan or other measures directed by the Coordinating Committee, the Coordinating Committee shall direct Healthway to reinstate a Participant's Digital Credentials, if applicable, and provide notice to all Participants of such reinstatement.

4. Delegation to Healthway

The Coordinating Committee delegates responsibility to Healthway to take any actions that are needed to implement the suspension procedures as outlined in this sub-section and the Procedures Section III.

C. Termination

1. Voluntarily by the Participant.

Operating Policy & Procedure

SUBJECT: PARTICIPATION – CHANGES, SUSPENSION, TERMINATION		
STATUS: FINAL – Approved by the CC	POLICY #: OPP-3	
Effective Date: 3/16/13	Version: 2.0	Page 2 of 10

Pursuant to DURSA Section 19.02(b), a Participant may voluntarily terminate its participation in the eHealth Exchange.

2. *With Cause by the Coordinating Committee.*

Pursuant to DURSA Section 19.04, the Coordinating Committee may terminate a Participant from participating in the eHealth Exchange.

3. *Delegation to Healthway*

The Coordinating Committee delegates responsibility to Healthway to take any actions that are needed to implement the termination procedures as outlined in this sub-section and the Procedures Section III..

III. Procedure:

A. Service Changes

1. All requests for Service Changes by a Participant shall be directed to Healthway in writing. Upon receipt of a Service Change request from a Participant, Healthway shall promptly notify the Chair of the Coordinating Committee. The Chair may summarily approve a Service Change, further consult with other Members of the Coordinating Committee or call a special meeting of the Coordinating Committee to discuss the Service Change request. The Chair shall direct Healthway to communicate all approved Service Changes to each Member of the Coordinating Committee (if the approval is granted by the Chair), and to each Participant. The Coordinating Committee will direct Healthway to take all appropriate technical actions necessary to carry out the Service Change.

2. Where a Service Change request involves the addition or modification of a Transaction Pattern, the Chair shall request that the Participant complete all technical testing in accordance with the Validation Plan to assess compliance of the new or modified Transaction Pattern with the applicable Performance and Service Specifications.

3. If the Participant has successfully completed all technical testing in accordance with the Validation Plan, the following activities will occur:

- Healthway shall coordinate with the Participant regarding the specific date on which the Participant's new or modified Transaction Pattern will be operational, in production and ready to exchange information with other Participants in production.
- The Participant shall provide Healthway the required information to update the Participant's information in the Service Registry. Healthway will confirm that the information supplied is accurate by testing the information

Operating Policy & Procedure

SUBJECT: PARTICIPATION – CHANGES, SUSPENSION, TERMINATION		
STATUS: FINAL – Approved by the CC	POLICY #: OPP-3	
Effective Date: 3/16/13	Version: 2.0	Page 3 of 10

provided.

- If the information supplied is accurate, the Coordinating Committee shall direct Healthway to update the Service Registry on the specific date agreed to by the Participant.
- The Coordinating Committee shall direct Healthway to notify all other Participants when the Service Registry is updated to include the Participant's new or modified service.

4. Where the Service Change request involves the termination of the Participant's ability to respond to Messages that seek Message Content for Treatment, the Coordinating Committee shall direct Healthway to take all appropriate technical actions to ensure that the Participant cannot request Message Content for Treatment.

B. Suspension

1. Voluntarily by the Participant.

Service Level Interruptions

Participants will experience temporary service level interruptions from time to time. These service level interruptions may be planned or unplanned. A service level interruption will result in a Participant having to temporarily cease exchanging Message Content with all other Participants through the eHealth Exchange. To ensure that all Participants are aware of a service level interruption, the Participant experiencing the service level interruption will send a written notice to Healthway of the interruption prior to the interruption, if planned, or as soon as reasonably practicable after the interruption begins if unplanned. Healthway will simultaneously notify all other Participants and Members of the Coordinating Committee of the interruption. Since a service level interruption does not involve the suspension of a Participant's Digital Credentials, the Participant will be responsible for taking all technical actions necessary to carry out a service level interruption. During a service level interruption, the Participant will continue to be responsible for complying with the terms of the DURSA.

Voluntary Suspension

If, at any point, a Participant decides that it requires a temporary suspension from participation and its responsibility for complying with the terms of the DURSA, it shall send a written notice to Healthway. The Participant must give notice of its need for a temporary voluntary suspension at least twenty-four (24) hours prior to commencing its voluntary suspension.¹ The notice will specify the reason for, the commencement date of, and the duration of the voluntary suspension. Upon receipt of the notice of voluntary

¹ A Participant may choose to undergo a service level interruption during this 24-hour period.

Operating Policy & Procedure

SUBJECT: PARTICIPATION – CHANGES, SUSPENSION, TERMINATION		
STATUS: FINAL – Approved by the CC	POLICY #: OPP-3	
Effective Date: 3/16/13	Version: 2.0	Page 4 of 10

suspension, Healthway will forward the notice to Members of the Coordinating Committee.

If the voluntary suspension will last fewer than ten (10) consecutive days and will not cause the Participant to exceed forty (40) days of voluntary suspension in the twelve (12) months preceding the start of the planned suspension, the Coordinating Committee will assume that it is for a valid purpose and request that Healthway take appropriate technical actions necessary to carry out the voluntary suspension. Healthway is also requested to notify all other Participants of such voluntary suspension.

If the duration of the voluntary suspension will exceed ten (10) consecutive days or cause the Participant to exceed forty (40) days of voluntary suspension in the twelve (12) months preceding the start of the planned suspension, the Coordinating Committee will review and decide whether to approve the voluntary suspension. Upon receipt of a notice of such a voluntary suspension, the Chair shall promptly call a special meeting of the Coordinating Committee to discuss, evaluate and make a determination on the suspension request. The Coordinating Committee shall determine whether the request is for a valid purpose and whether the duration is acceptable. The Coordinating Committee shall direct Healthway to communicate its determinations to the Participant in writing with an explanation of its decision. If the suspension is approved, the Coordinating Committee shall direct Healthway notify all other Participants of the suspension and to take all appropriate technical actions necessary to carry out the voluntary suspension.

If the Coordinating Committee determines that the request for voluntary suspension is not for a valid purpose or that the duration of the voluntary suspension is unacceptable, the Coordinating Committee or Healthway will meet with the requesting Participant to discuss the Coordinating Committee's determination. The Coordinating Committee and the Participant will work together in good faith to reach an acceptable resolution. If they cannot reach a resolution, they will submit the Dispute to the Dispute Resolution Process.

2. *With Cause by the Coordinating Committee.*

Upon receipt of a complaint, report or other information that causes the Coordinating Committee to question whether a Participant's acts or omissions are creating an immediate threat or will cause irreparable harm to another party, the DURSA gives the Coordinating Committee the legal authority to investigate the complaint, report or other information and determine whether such Participant should be suspended. Any suspensions imposed under this Policy shall remain in effect until the Participant is reinstated or terminated in accordance with the DURSA and this Policy.

The Coordinating Committee hereby delegates authority to the Chair where a complaint, report or other information received by the Chair indicates that a suspension must be implemented immediately and that, in the judgment of the Chair, it is not practical to delay the suspension while the Committee is convened. If the Chair decides based on the

Operating Policy & Procedure

SUBJECT: PARTICIPATION – CHANGES, SUSPENSION, TERMINATION		
STATUS: FINAL – Approved by the CC	POLICY #: OPP-3	
Effective Date: 3/16/13	Version: 2.0	Page 5 of 10

available information that immediate suspension is required because a Participant's acts or omissions are creating an immediate threat or will cause irreparable harm to another party if a suspension is not implemented, the Chair will immediately do the following: 1) request that Healthway take all appropriate technical actions necessary to carry out the suspension which may include, but is not limited to, suspension of the Participant's Digital Credentials; 2) call a special meeting of the Coordinating Committee to evaluate the suspension; and 3) notify the suspended Participant of the suspension in writing with an explanation of the reasons for suspension. The Coordinating Committee shall meet as soon as practicable, but no later than the next day, to evaluate the suspension. If the Coordinating Committee cannot establish a quorum in order to hold an official meeting by the next day, it shall still meet with as many members as are available and take provisional action without a quorum in accordance with its general operating policy and procedure. The suspension will remain in effect until the Coordinating Committee meets to evaluate the suspension and either affirms, rejects or modifies the suspension initiated by the Chair. If the Coordinating Committee affirms or modifies the suspension, it will direct Healthway to notify all other Participants of the suspension in writing.

If the Chair determines that immediate suspension is not required, the Coordinating Committee may initiate an investigation of the complaint, report or other information. The Coordinating Committee will direct Healthway to immediately notify the Participant(s) in question of the investigation. If, through the investigation, the Coordinating Committee determines that a Participant is (i) creating an immediate threat or (ii) will cause irreparable harm to another party including, but not limited to, another Participant, a Participant User, the integrity or operation of the Performance and Service Specifications or an individual whose Message Content is transacted through the eHealth Exchange, the Coordinating Committee may summarily suspend the Participant and implement the process specified below. Such suspension shall be tailored to address the threat posed by the Participant.

The Coordinating Committee will immediately direct Healthway to take appropriate technical actions necessary to carry out the suspension, which may include but is not limited to, suspension of the Participant's Digital Credentials. As soon as reasonably practicable after suspending a Participant, but in no case longer than twelve (12) hours, Healthway will provide the suspended Participant with a written summary of the reasons for the suspension and notify all other Participants of the suspension.

The suspended Participant will provide the Coordinating Committee with a written plan of correction or an objection to the suspension within three (3) business days of its receipt of the written summary of the suspension, or if such response is not reasonably feasible within the three (3) day timeframe, then at the earliest practicable time.

Objections and Plan of Correction

Any objection by the Participant shall be specified in writing stating the reason why the suspension is inappropriate. A plan of correction shall be included and shall describe the

Operating Policy & Procedure

SUBJECT: PARTICIPATION – CHANGES, SUSPENSION, TERMINATION		
STATUS: FINAL – Approved by the CC	POLICY #: OPP-3	
Effective Date: 3/16/13	Version: 2.0	Page 6 of 10

steps that the Participant is taking to address, mitigate and remediate the issue(s) that caused the Coordinating Committee to determine that a summary suspension was appropriate and include a timeframe for such actions. The Coordinating Committee will review a suspended Participant's plan of correction or objection within five (5) business days of receiving same from the Participant; determine whether to accept or reject the objection or the plan of correction or affirm the suspension; and communicate such decision to the suspended Participant in writing with an explanation of its decision.

If the Coordinating Committee rejects the plan of correction, it will work in good faith with the suspended Participant to develop a mutually acceptable plan of correction. If the Coordinating Committee and the suspended Participant cannot reach agreement on the content of the plan of correction or on the reasons supporting the suspension itself, the Coordinating Committee may submit the Dispute to the Dispute Resolution Process or terminate the Participant.

C. Reinstatement

1. Post-Participant Voluntary Suspension

The Participant's request for a voluntary suspension will state the commencement date and the duration of the suspension. The Participant will have the ability to seek an extension of its voluntary suspension should one be necessary. If the extension will cause the suspension to exceed ten (10) consecutive days or cause the Participant to exceed forty (40) days of voluntary suspension in the twelve (12) months preceding the start of the planned suspension, the Participant shall provide additional justification for the extension request. The Coordinating Committee will review, evaluate and make a written determination on the extension request and provide it to the Participant.

Either on the date indicated by the Participant in the voluntary suspension or extension request or at an earlier time if requested by the Participant, the Coordinating Committee shall direct Healthway to take appropriate technical actions necessary to reinstate the Participant's ability to participate in the eHealth Exchange.

2. Post-Suspension with Cause by the Coordinating Committee.

Where a Participant's ability to participate in the eHealth Exchange has been suspended by the Coordinating Committee with cause, the Participant shall provide evidence to the Coordinating Committee of the Participant's fulfillment of the obligations of its plan of correction. The Coordinating Committee will review such evidence within three (3) business days of receiving it from the Participant.

If the Coordinating Committee is not satisfied that the Participant has met its obligations under its plan of correction, the Coordinating Committee will inform the Participant of the deficiencies. The Participant may submit additional evidence that addresses such deficiencies or the Participant may terminate its participation in eHealth Exchange.

When the Coordinating Committee is satisfied that the evidence presented indicates that

Operating Policy & Procedure

SUBJECT: PARTICIPATION – CHANGES, SUSPENSION, TERMINATION		
STATUS: FINAL – Approved by the CC	POLICY #: OPP-3	
Effective Date: 3/16/13	Version: 2.0	Page 7 of 10

the Participant has fulfilled its obligations under the plan of correction, the Coordinating Committee will direct Healthway to take appropriate technical actions necessary to reinstate the Participant's ability to participate in eHealth Exchange.

D. Termination

1. Voluntarily by the Participant.

All requests for termination by a Participant shall be directed to Healthway in writing at least five (5) business days prior to the requested termination date. Healthway will notify the Coordinating Committee Chair of the request and the Chair shall direct Healthway to take appropriate technical actions necessary to carry out the termination including, but not limited to, termination of the Participant's Digital Credentials. The Chair will direct Healthway to notify all other Participants of the termination and remove the Participant from the registry and published lists of eHealth Exchange Participants.

2. With Cause by the Coordinating Committee.

- (a) *Immediate Threat Upon Suspension Investigation.* If, after further investigation following its suspension for cause of a Participant in accordance with Section B.2 of this Policy, the Coordinating Committee believes that there is a substantial likelihood that the Participant's acts or omissions will continue to create an immediate threat or will cause irreparable harm to another party, the Coordinating Committee may terminate the Participant. In the event the Participant is terminated, the Coordinating Committee shall direct Healthway to notify the Participant of the termination along with the Participant's right to appeal the determination through the Dispute Resolution Process (see DURSA Section 21).
- (b) *Complaint of Material Default.* If based on a complaint, report, or other information the Coordinating Committee finds that a Participant is in material default of the performance of a duty or obligation imposed on the Participant by the DURSA, it shall direct Healthway to notify the Participant, in writing, with a written summary of the basis of the default and the actions required to cure the default ("Cure Notice"). Actions to cure the default must be taken with thirty (30) calendar days following Participant's receipt of the Cure Notice or such other time period as agreed upon by the Coordinating Committee and the Participant (the "Cure Period").

Material defaults include, but are not limited to, failure to comply with:

- (i) Any privacy, security or confidentiality obligations in the DURSA;
- (ii) Any expectations or duties of a Participant, as provided for in the DURSA; and
- (iii) Any breach of the representations and warranties in the DURSA.

During the Cure Period, the Coordinating Committee may suspend the

Operating Policy & Procedure

SUBJECT: PARTICIPATION – CHANGES, SUSPENSION, TERMINATION		
STATUS: FINAL – Approved by the CC	POLICY #: OPP-3	
Effective Date: 3/16/13	Version: 2.0	Page 8 of 10

Participant in accordance with Section B.2 of this Policy or continue any existing suspension. The Coordinating Committee will consider all relevant information submitted by the Participant and actions taken by the Participant during the Cure Period in response to the Cure Notice. If the Participant does not substantially cure its material default within the Cure Period, the Coordinating Committee may terminate the Participant. In the event that the Participant is terminated, the Coordinating Committee shall direct Healthway to (1) issue a final written notice of termination; (2) take appropriate technical actions necessary to carry out the termination including, but not limited to, termination of the Participant's Digital Credentials; and (3) notify all other Participants of the termination.

VI. Definitions:

Service Registry shall mean a directory of Participants that is used by Participants to find and Transact Message Content among Participants.

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

V. References:

DURSA Sections 19 and 20.

VI. Related Policies and Procedures:

VII. Version History:

	Date	Author	Comment
1	6/20/09	Randall E. Sermons	Original.
2	6/23/09	Randall E. Sermons	Modify checklists into numbered sections of the Application and all associated language in the text relating to the checklists and supporting documentation. Modify references to the Service Registry. Clarify service issues relating to exchanges for treatment purposes. Add references to Digital Credentials.
3	10/14/09	Randall E. Sermons	Minor grammatical changes. Add sections on reinstatement.

Operating Policy & Procedure

SUBJECT: PARTICIPATION – CHANGES, SUSPENSION, TERMINATION		
STATUS: FINAL – Approved by the CC	POLICY #: OPP-3	
Effective Date: 3/16/13	Version: 2.0	Page 9 of 10

4	10/19/09	Mariann Yeager	Added comments from Implementation Team that were discussed with this group in last call.
5	10/20/09	Mariann Yeager	Added edits / comments from 10/20 Team call.
6	11/9/09	Erin Whaley and Steve Gravely	Added detail to the procedures based on comments from the 11/3/09 Team call.
7	11/27/09	Erin Whaley and Steve Gravely	Revisions based on comments from 11/19/09 CC call.
8	12/7/09	Erin Whaley and Steve Gravely	Revisions based on comments re: voluntary suspension on 12.2.09 CC call.
9	12/17/09	Aaron Seib	Updated status and version number to reflect Coordinating Committee approval. Updated formatting.
10	3/27/12	Marcia Gonzales, Edye Taylor, Mariann Yeager	Revised to reflect amended DURSA
11	1/9/13	Mariann Yeager Christina Arenas	Revised to reflect amended DURSA and post-hand-off period
12	1/30/13	M. Yeager C. Arenas	Addressed pending comment from the OPP task group.
13	2/3/13	Erin Whaley	Revisions to be consistent with the DURSA and other defined terms
14	2/4/13	C. Arenas M. Yeager	Incorporation of Troutman's comments.