

## Operating Policy and Procedure

<b>SUBJECT: CHANGE PROCESS – OPERATING POLICIES AND PROCEDURES</b>		
<b>STATUS: FINAL – APPROVED BY THE CC</b>	<b>POLICY #: OPP-5</b>	
<b>Date: 11/18/12</b>	<b>Version: 6</b>	<b>Page 1 of 3</b>

### **I. Purpose**

The Coordinating Committee has responsibility for developing, maintaining, repealing, amending and retaining Operating Policies and Procedures (OPP). The purpose of this policy is to set forth the procedure by which the Coordinating Committee will fulfill these responsibilities.

### **II. Policy**

The Coordinating Committee shall establish and maintain reasonable OPPs. OPPs are those documents that describe the management, operation, and participation in the eHealth Exchange. As may become necessary for the proper functioning of the eHealth Exchange, the Coordinating Committee may establish a new OPP, or it may amend, repeal, and/or replace any existing OP&Ps, consistent with this policy and the DURSA.

### **III. Procedure:**

#### **A. Retention, Maintenance and Dissemination of Operating Policies and Procedures**

All OP&Ps shall be maintained in an accessible electronic and printable format. The Coordinating Committee designates Healtheway, Inc. ("Healtheway") to maintain the OPPs in a location that is accessible to all Participants, Members of the Coordinating Committee, and any other stakeholders that the Coordinating Committee determines require access.

All current OPPs as well as originals of all amended, repealed and replaced OP&Ps shall be maintained for the duration of their usefulness as determined by the Coordinating Committee.

#### **B. Submission of Proposed New, Amended, Repealed, or Replaced Operating Policies and Procedures**

Any Participant may submit in writing to the Coordinating Committee a request for the development of a new OPP, or a request for the amendment or repeal of an existing OPP. Any Member of the Coordinating Committee may also bring forth any concern or question regarding OPPs. All such requests shall identify (i) the OPP that is the subject of the requested change (if any), (ii) the type of OPP sought (if it is a development request), (iii) a thorough description of why the request is necessary, and (iv) an analysis of the expected impact of adopting the new OP&P or modifying/repealing an existing OPP.

#### **C. Consideration of Proposed New, Amended, Repealed, or Replaced Operating Policies and Procedures**

1. Except as otherwise provided in the DURSA, the Coordinating Committee will consider any requests that meet the submission criteria set forth above at its next regularly scheduled meeting following receipt of such request. The Coordinating Committee will:

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- a. Prioritize requests;
  - b. Consider the merits of the request, as well as the impact to Participants, Participant Users and Individuals; and
  - c. Communicate actions taken with requestor.
2. Participant Comment Period. Prior to approving any new, amended, repealed or replaced OP&P, the Coordinating Committee shall solicit and consider comments from the Participants on the new, amended, repealed or replaced OPP.  
  
To promote openness and transparency, the Coordinating Committee may post proposed changes to the OP&Ps to a publicly accessible location.
3. Objection Period. Following the Coordinating Committee's approval of the new, amended, repealed or replaced OPP, the Participants shall be given thirty (30) calendar days to review the approved OPP and register an objection if the Participant believes the new, amended, repealed or replaced OPP will have a significant adverse operational or financial impact on the Participant. Such objection shall be submitted to the Coordinating Committee and contain a summary of the Participant's reasons for the objection.

### D. Approval of Changes to the Operating Policies and Procedures

1. Less Than One-Third of Participants Object. If the Coordinating Committee receives objections from less than one-third of the Participants during the thirty (30) calendar day objection period, the new, amended, repealed or replaced OP&P shall go into effect as approved by the Coordinating Committee and on the date identified by the Coordinating Committee, unless the Coordinating Committee withdraws the new, amended, repealed or replaced OP&P prior to such date. Consistent with Section 11.03(d), the effective date identified by the Coordinating Committee may not be any earlier than the end of the thirty (30) day calendar objection period.
2. More Than One-Third of Participants Object. If the Coordinating Committee receives objections from one-third or more of the Participants during such thirty (30) calendar day period, the Coordinating Committee shall review the new, amended, repealed or replaced OPP in light of the objections and make a determination as to how to modify the new, amended, repealed or replaced OPP, if at all. Once the Coordinating Committee finalizes its determination, it shall communicate this determination to the Participants and seek their approval. At least two-thirds of the Non-Governmental Participants and at least two-thirds of the Governmental Participants must approve the new, amended, repealed or replaced OPP for them to become effective.

### E. Implementation

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1. The Coordinating Committee shall provide Notice of new, amended, repealed or replaced OPP at least thirty (30) calendar days prior to the effective date of such new, amended, repealed or replaced OPP. This thirty (30) calendar day period may run concurrently with the thirty (30) calendar day objection period.
2. Within fifteen (15) calendar days of receiving Notice of the new, amended, repealed or replaced OP&P, a Participant may request that the Coordinating Committee delay implementation of such the new, amended, repealed or replaced OPP based on good cause.
3. The Coordinating Committee shall respond to a request to delay implementation within seven (7) calendar days of receiving the request.

### **IV. Definitions**

DURSA: Data Use and Reciprocal Support Agreement

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

### **V. References:**

Restatement (First) of the Data Use and Reciprocal Support Agreement (DURSA) § 11.03 (2011).

### **VI. Related Policies and Procedures:**

### **VII. Version History:**

	<b>Date</b>	<b>Author</b>	<b>Comment</b>
1	6/20/09	Randall E. Sermons	Original.
2	6/23/09	Randall E. Sermons	Per discussions with Mariann Yeager, Steve Gravely and Erin Whaley; Delete provisions regarding the appointment of authors of policies. Delete references to the Operating Procedures. Renumber provisions. Make information collection activities more informal.
3	11/20/09	Steve Gravely and Erin Whaley	Revisions for Policy Team call on 11/24/09
4	12/23/09	Erin Whaley and Steve Gravely	Modified heading to reflect approval during 12/17/09 CC call.
5	5/17/10	OP&P Task Group	Modified to be more consistent with CC OP&P 8 (the DURSA Amendment process)

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6	5/20/10	Vernette Roberts	Modified heading to reflect approval during 5/20/10 CC call.
7	3/27/12	Mariann Yeager, Marcia Gonzales & Edye Taylor	Revised OPP to reflect amended DURSA
	4/17/12	Mariann Yeager	Incorporated edits following OPP Task Group review
	9/23/12	Mariann Yeager	Added reference to eHealth Exchange and Healthway
	10/10/12	Christina Arenas	Added the definitions section back into OPP #5 per the request of the CC.