

National HIE Governance Forum

Q: Why does the National Health Information Exchange (HIE) Governance Forum have participation criteria and closed membership?

A: Based on comments to our Request for Comments (RFC) which suggested that we learn from what's happening already, the Forum is designed to bring together governance entities that are already leading specific communities of exchange partners. We felt that entities whose scope is national, state-wide, or regional would have worked previously through governance issues and have lessons that could be shared with others. We also felt that their discussions might surface common issues and approaches that could inform the actions of other entities or point to opportunities for nationwide application. Participation criteria allows for engagement with these entities as a starting point for our convening and educating efforts.

Q: How can my organization become involved with the National HIE Governance Forum if we do not fit membership criteria?

A: There are opportunities to engage and inform the wider HIE stakeholder community such as participation in webinars, serving as Subject Matter Experts (SME) on particular topics, and transparency in general on forum progress. Follow the forum efforts @ <http://www.nationalehealth.org/hie-governance-forum>

Cooperative Agreements

Q: What are the goals and focus of the cooperative agreements?

A: The cooperative agreement awardees will collaborate with ONC to achieve specific HIE governance goals. DirectTrust will continue and expand their work to establish security and trust rules of the road for Directed exchange and advance adoption of these rules through their trusted agent accreditation program. The EHR|HIE Interoperability Workgroup of the HIT Policy Committee, will address implementation challenges facing the exchange of health information including patient matching, querying provider directories and applying good governance principles for both query-based and directed exchange.

Q: How open is ONC to a very different method of exchanging records, e.g., the patient having all their records in electronic form and giving it to their providers at the point of care?

A: In our [HIE strategy published in Health Affairs](#) last year we said that consumer-mediated exchange was the third leg of our strategy.

Q: What are the Query-Based Exchange Model goals of the cooperative agreements?

A: The agreements will address some of the stickiest implementation challenges facing the exchange of health information including patient matching, querying provider directories and applying good governance principles for both query-based and directed exchange.

Governance Framework

Q: Will the governance framework have a public comment period?

A: No, there will be no formal public comment period for the framework of principles. We intend for the Governance Framework to be a living document. As we learn with you, we will consider updating and adapting principles over time to reflect stakeholder feedback, policy changes, technological maturity, and market innovations, as necessary.

Q: Will the ONC publish guidelines or support materials for HIEs/Health Information Organizations (HIOs) as Business Associates under the final Health Insurance Portability and Accountability Act (HIPAA) Rule published this Spring?

A: No, ONC will not publish specific guidelines to support HIE/HIO Business Associates requirements. We suggest you read [pre-amble to final HITECH rule](#), which outlines how the Office of Civil Rights (OCR) has interpreted the rule and why they wrote the rule the way they did. <http://www.gpo.gov/fdsys/pkg/FR-2013-01-25/pdf/2013-01073.pdf>

Monitoring

Q: What are ONC's plans for monitoring the patient's ability to correctly understand health data and the implications of that data?

A: ONC does not plan to monitor patient's understanding of health data at this time. Our focus is to ensure electronic health information is accessible.

Q: How is ONC going to poll HIEs for monitoring? Are they going to use existing HIE survey sources?

A: ONC doesn't have current plans to poll HIEs. ONC does plan to leverage existing, available surveys, however and are still in the process of determining our HIE measurement approach.

Scalable Trust

Q: Where is the scalable trust report cited during the governance town hall located?

A: <http://www.healthit.gov/policy-researchers-implementers/exemplar-hie-governance-entities-program>

Standards, certification & technical practices

Q: What end user identity resolution and authentication efforts have ONC tracked or been engaged in?

A: ONC, through various Health IT Policy Committee (HITPC) and Health IT Standards Committee (HITSC) workgroups, has held hearings on both patient and provider authentication. Please refer to the following publicly available resources:

HITPC Privacy & Security Tiger Team hearing on provider authentication - <http://www.healthit.gov/policy-researchers-implementers/policy-privacy-security-tiger-team>

HITPC Privacy & Security Tiger Team recommendations on provider authentication - http://www.healthit.gov/sites/default/files/transmittal_092512_pstt_recommendations_provider_authentication.pdf

HITPC Privacy & Security Tiger Team hearing on patient authentication - <http://www.healthit.gov/policy-researchers-implementers/trusted-identity-patients-cyberspace-hearing-policy-pstt-and-hitsc-p>

Q: How does ONC's HIE governance approach prevent interoperability silos?

A: ONC's governance approach is focused on providing guidance and best practices for health information exchange at a national level, addressing challenges to exchange between different exchange organizations and across state boundaries.

Q: Where does the Direct Trust fall in this governance plan?

A: Direct Trust is a cooperative agreement recipient and is also participating in the National Governance Forum.

Q: How is HealtheWay envisioned to support both the conversation and operations of HIE?

A: HealtheWay is an important governing body for health information exchange and is participating in the National HIE Governance Forum.

Business practices & vendor issues

Q: How can ONC incentivize vendors to encourage exchange with entities using different vendor products?

A: Although not a direct incentive, ONC has published a [Governance Framework](#) which is intended to provide a common foundation for all types of governance models and entities that set HIE policy. The framework's business principles address the need for successful cooperation among all parties as well as the need to mitigate behaviors that could result in proprietary networks and resistance to exchanging information even when it could enhance patient care.

Q: How can ONC encourage transparency with respect to the costs of exchange?

A: ONC has published a [Governance Framework](#) which is intended to provide a common foundation for all types of governance models and entities that set HIE policy. The framework's business principles address the need for successful cooperation among all parties as well as the need to mitigate behaviors that could result in proprietary networks and resistance to exchanging information even when it could enhance patient care. ONC believes there must be transparency of costs order to evolve the market in an efficient way.

HIE and Consumers

Q: How will ONC get HIE governance information out to the consumers?

A: ONC co-sponsors a consumer consortium on eHealth with the National eHealth Collaborative (NeHC) that has over a hundred healthcare organizations participating, covering very diverse populations. The consortium is a great channel to reach individual consumers. In addition, we're promoting healthit.gov as a one stop shop for consumers to learn about health IT and exchange. <http://www.nationalehealth.org/consumers>

Q: Would ONC consider an 800# for consumers to call in problems?

A: ONC has an email address, onc.request@hhs.gov, for submitting input which is on healthit.gov. At this time, we do not have resources to support an 800 number.

General Questions & Comments

Q: How will ONC coordinate and synchronize national, regional, and state efforts and policies?

A: ONC will take an incremental approach and focus on common ground

Q: Our HIE uses an Exchange Member Agreement to connect members into the HIE and an OPT-IN consent form for patients to allow their data to be shared. The opt-in model is limiting data being shared into the HIE. What policies is ONC working on to give Health Care organizations latitude from the stringent rules of governing health data and privacy (ie. HIPAA) to share data to an HIE so that the data becomes more liberated?

A: The following list of publically available policy documents address HIE privacy/security issues, including opt-in/opt-out issues:

- Privacy and Security Framework Requirements and Guidance for the State Health Information Exchange Cooperative Agreement Program - General Program Information Notice #003, March, 2012; available at <http://www.healthit.gov/policy-researchers-implementers/state-health-information-exchange>
<http://www.healthit.gov/sites/default/files/hie-interopability/onc-hie-pin-003-final.pdf>
- - This notice provides grantees of ONC's State Health Information Exchange Cooperative Agreement Program with guidance on privacy and security frameworks, including topics such as individual access and correction, individual choice, and collection use and disclosure limitation.
- Nationwide Privacy and Security Framework for Electronic Exchange; available at <http://www.healthit.gov/policy-researchers-implementers/nationwide-privacy-and-security-framework-electronic-exchange>

- This framework is meant to establish a policy framework and approach to the privacy and security challenges around electronic health information exchange, and is focused on the responsibilities of those who hold and exchange health information through a network.
- Health IT Policy Committee Recommendations to the National Coordinator for Health IT, September 1, 2010; available at <http://www.healthit.gov/policy-researchers-implementers/health-it-policy-committee-recommendations-national-coordinator-heal>
 - These recommendations provided by the Health IT Policy Committee focus on the privacy and security of health information exchange, including providing for individual choice, and emphasize fair information practices.
- Standards and Interoperability Framework, Data Segmentation for Privacy Initiative. Available at <http://wiki.siframework.org/Data+Segmentation+for+Privacy+Charter+and+Members>
 - The purpose of this initiative is to enable the implementation and management of varying disclosure policies in an electronic health information exchange environment in an interoperable manner.