



## Meeting Notes

### Health Information Technology Advisory Committee Information Blocking, Assurances, & Communications Conditions of Certification Task Force

March 1, 2019, 11:00 a.m. – 12:00 p.m. ET  
Virtual

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The March 1, 2019, meeting of the Information Blocking, Assurances, & Communications Conditions of Certification Task Force (IACCTF) of the Health IT Advisory Committee (HITAC) was called to order at 11:02 a.m. ET by Lauren Richie, Designated Federal Officer, Office of the National Coordinator for Health IT (ONC).

**Lauren Richie** introduced the IACCTF which is one of the task force's established to comment on the [21st Century Cures Act: Interoperability, Information Blocking, and the ONC Health IT Certification Program](#) notice of proposed rulemaking (NPRM).

Before conducting roll call, she reminded the task force members that the hand-raising feature in Adobe should be used to ask questions.

### Roll Call

**Michael Adcock, Co-Chair**, Individual  
**Andrew Truscott, Co-Chair**, Accenture  
Cynthia Fisher, Member, WaterRev, LL  
Valerie Grey, Member, New York eHealth Collaborative  
Anil Jain, Member, IBM Watson Health  
John Kansky, Member, Indiana Health Information Exchange  
Steven Lane, Member, Sutter Health  
Arien Malec, Member, Change Healthcare  
Denni McColm, Member, Citizens Memorial Healthcare  
Sasha TerMaat, Member, Epic  
Sheryl Turney, Member, Anthem  
Denise Webb, Member, Individual

### MEMBERS NOT IN ATTENDANCE

Aaron Miri, Member, The University of Texas at Austin, Dell Medical School, and UT Health Austin  
Lauren Thompson, Member, DoD/VA Interagency Program Office

### ONC STAFF

Cassandra Hadley, HITAC Backup/Support  
Penelope Hughes, Staff Lead  
Mark Knee, Staff Lead



Morris Landau, Staff Lead

Lauren Richie, Branch Chief, Coordination, Designated Federal Officer

## Call to Order

**Lauren Richie** called the meeting to order and turned the meeting over to the co-chairs.

## Welcome and Introductions

**Michael Adcock** introduced himself to the taskforce and thanked all of the members for contributing their time to the task force.

**Andrew Truscott** introduced himself as well. He then asked the ONC support staff to introduce themselves, as all of the members know each other because they are on HITAC.

**Mark Knee** introduced himself as the staff lead for information blocking. He has devoted a lot of his time to working on information blocking and is excited to work with everyone on the task force.

**Penelope Hughes and Morris Landau** will be supporting Mark Knee.

**Michael Adcock** turned the meeting over to Mark Knee to review the charge.

## Overview of Charge and High-Level Schedule

- **Overarching Charge:** Provide recommendations on policies related to information blocking; the “information blocking,” “assurances,” and “communications” conditions and maintenance of certification requirements; and the enforcement of all the conditions and maintenance of certification requirements.
- **Specific Charges:** Provide recommendations on the following topics:
  - Information Blocking:
    - ONC definitions/interpretations of certain statutory terms and provisions, including the price information request for information
    - Seven exceptions to the information blocking definition, and any additional exceptions (request for information)
    - Complaint process
    - Disincentives for health care providers (request for information)
  - “Information blocking,” “assurances,” and “communications” conditions and maintenance of certification requirements
  - Enforcement of all the conditions and maintenance of certification requirements

**Mark Knee** commented that there should be a focus on the larger issues, trying to avoid getting stuck in the weeds. The IACCTF should aim to have a fair and balanced conversation in all NPRM discussions.

**Mark Knee** shared that there will be eleven weeks to work through the task force's charge. The goal is to have detailed discussions early on so that once the IACCTF gets to week five, the work will pivot to refining recommendations.



## Workgroup Composition and Planning

**Andrew Truscott** shared that the task force will discuss all topics together, but to get through all of the topics, everything, the IACCTF will divide into four small working groups. Due to the aggressive timeline, the chairs and ONC staff believe this is the best way to work through all necessary discussion topics. The IACCTF will need to align with the 60-day NPRM comment period which ends on May 3, 2019.

**Andrew Truscott** encouraged the IACCTF to bring additional strategic thoughts to light throughout the process of reviewing the NPRM.

### WORKGROUP STRUCTURE

- Group 1 - Relevant Statutory Terms and Provisions
  - Health information networks/exchanges
  - EHI, including the price information request for information
  - Practices that may implicate the information blocking provision
  - Parties affected by the information blocking provision and exceptions
  
- Group 2 – Exceptions
  - Preventing Harm
  - Promoting the Privacy of EHI
  - Promoting the Security of EHI
  - Costs Reasonable Incurred
  - Responding to Requests that are Infeasible
  - Licensing of Interoperability Elements on RAND Terms
  - Maintaining and Improving Health IT Performance
  - Additional exceptions (request for information)
  - Complaint process
  - Disincentives for health care providers (request for information)
  
- Group 3 - Conditions and Maintenance of Certification
  - Information blocking
  - Assurances
  - Communications
  - Enforcement of all the conditions and maintenance of certification requirements

#### Group 1 - Relevant Statutory Terms and Provisions

- Sheryl Turney
- Aaron Miri
- Arien Malec
- Denni McColm

#### Group 2 – Exceptions

- Valerie Grey



- Anil Jain
- Cynthia Fisher
- John Kansky

## Group 3 - Conditions and Maintenance of Certification

- Steven Lane
- Denise Webb
- Sasha TerMaat
- Lauren Thompson

**Arien Malec** shared that he expressed interest in switching to Group 2 – Exceptions, but he is more than happy to do what the chairs' think is appropriate.

**Andrew Truscott** commented that he is hoping to keep the groups balanced as much as possible. He suggested that switching between members might be an efficient way to balance the groups.

**Arien Malec** noted that there is a lot of good content buried within the terms and definitions and there will be a lot of places for him to provide feedback.

**Steven Lane** shared that Group 2 - Exceptions is an area that he will have a lot of thoughts about as a physician. He shared that he would be happy to swap if there is someone who would like to participate in Group 3.

**Arien Malec** noted that everyone will have an opportunity to have a robust and vigorous discussion when the topic is discussed at the full taskforce level.

**Sheryl Turney** asked if the subgroups would be meeting at the same time and questioned whether all members could participate in a discussion of the other subgroup.

**Michael Adcock** noted that there is more than enough work to go around and there will be vigorous discussion in the task force.

**John Kansky** commented that he would like to have a better understanding of the focus for Group 1, noting that he may be willing to switch groups with Arien.

**Andrew Truscott** reviewed the work for group 1, noting that the definition of who is impacted has become less clear.

**John Kansky** and **Arien Malec** requested to switch groups.

**Denise Webb** shared that she is happy to stay in the group that she is assigned. She noted that it would be helpful to have page numbers for the parts of the NPRM that each workgroup would be addressing. This will help the members focus on the appropriate page numbers for each assignment.

**Andrew Truscott** confirmed that the specific details and pages would be shared. He noted there would be a framework that will be used to provide comment, as well.



**Arien Malec** suggested that the members read section 171 in its entirety. He noted that reading the regulation text is most efficient, along with the commentary. While this section is deep, it is not long.

**Andrew Truscott** again shared that there will be a directional document to assist the task force in providing comment.

**Michael Adcock** asked each taskforce workgroup to review their schedules to ensure they are best prepared for the HITAC meeting on March 19-20.

**Mark Knee** will provide support to all groups. Morris Landau and Penelope Hughes will also be available to answer questions.

**Denise Webb** expressed concern about overlap with the other task forces, as she is also co-chairing another group.

**Mark Knee** clarified that while each workgroup will have a goal of meeting twice a week, there will also be a full taskforce meeting each week. The chairs are open to adding an additional meeting to discuss all of the issues, and there is flexibility to do so. He confirmed that he will try to provide the sections and page numbers that are relevant for the particular discussion, as requested. He also highlighted what Arien Malec noted earlier that the entirety of section 171 should be read.

**Mark Knee** reminded the group that the focus should be on ONC's NPRM, not CMS' companion [NPRM](#). He also reminded the IACCTF that the output of the taskforces will be integrated into a HITAC transmittal letter that will be addressed to the National Coordinator.

**Steven Lane** expressed concern about solely focusing on the ONC NPRM, as there is a correlation to the CMS NPRM. He asked if there could be someone from CMS that could come to discuss that rule.

**Andrew Truscott** asked ONC for there to be someone from CMS to present on their rule.

**Lauren Richie** opened the lines for public comment.

## Public Comment

There was no public comment.

## Comments in the public chat

Sheryl Turney: Sheryl Turney is on

APT Veronica Gordon: Sitting in for Lauren Thompson CAPT Veronica Gordon

Lauren Richie: Thanks Sheryl

Steven Lane: Thank you for this suggestion, Denise. I was going to make the same point.

Andy Truscott: Yes - we will circulate the templates asap.



## Next Steps and Adjourn

**Andrew Truscott** thanked the members for their participation.

**Michael Adcock** thanked the members for their willingness to serve and take time out of their schedules to get this work done.

**Mark Knee** noted that meetings will be scheduled quickly and asked members to be on the lookout for more information.

**Steven Lane** commented that people need to be mindful of the other commitments for those members who are participating in multiple groups.

**Lauren Richie** adjourned the meeting at 11:42 a.m. ET.