Carequality Public Informational Call

April 24, 2025

Agenda

01 Update on Communications and Strategic Direction

02 Update on Directory Review

03 New Delegation of Authority Policy

04 Exchange Volumes

01

Update on Communications and Strategic Direction

New Blog

News & Insights

Right Sizing for our Ambitions

April 15, 2025 | Carequality Blog, Carequality News

updated April 16, 2024: added hyperlink to the draft Delegation of Authority policy

As we close out the first quarter, we want to reflect on the collective progress toward our **2025 Priorities**. The Carequality community remains committed to policy and technical changes to enhance trust within our framework and also align with the Trusted Exchange Framework and Common Agreement™ (TEFCA™) where appropriate. Our priorities are set through the guidance of trusted subject matter experts with relevant experience in the health care sector who comprise the Carequality Steering Committee and Board of Directors, with guidance from the Advisory Council. We have also formed an Advisory Council Policy Workgroup composed of volunteers to help accelerate our policy development.

Progress on Priorities

- Progress on Priorities
- Reorganizing and Rightsizing to Achieve More
- Blog contains link to Delegation of Authority policy

Right Sizing for our Ambitions - Carequality

Steering Committee Priorities

	Topics
1	**OBO Alignment w/ Delegation of Authority**
2	**Directory Improvements**
3	**Connection Vetting and Onboarding Process**
4	**Treatment Required Response**
5	Use Cases Beyond Treatment (UCs)
6	Monitoring and Reporting (M&R)
7	Dispute Resolution Process (DRP)
8	Patient Privacy and Consent (P&C)
9	Digital Identity (DID)
10	Conflicts of Interest Policy and Process (COI)

02

Update on Directory Review

Directory Review Project

The Directory Review Project is part of the activities to Bolster Trust in Exchange. It will be used to inform Directory Improvements and Vetting Processes.

Fall 2024

Board allocated funds to review Carequality Directory Entries to confirm they are appropriate for treatment use case

Winter 2025

Communication sent to all Implementers asking for data to health prioritize the review, which will prioritize Connections with highest query volumes

December 2024

Small group from Steering Committee reviewed and approved the data to be collected on each Directory entry (based on publicly available information about the Connection)

Spring 2025

Review is ongoing and Implementers will be contacted if there are questions about a Connection

03

New Delegation of Authority Policy
(Formerly On Behalf Of Policy)

Delegation of Authority

(Formerly On Behalf Of, or "OBO")

Fall 2024

Dispute Final Resolution included recommendation for SC to consider modifications to the OBO policy to better align with TEFCA and bolster trust

March 2025

SC delegated to the new Advisory Council Policy Workgroup development of a final policy on Delegation of Authority to replace OBO

April 2025

SC approved final Delegation of Authority policy

February 2025

SC approved a phased approach and Carequality staff initiated a 21-day feedback period focused on existing OBO policy

March/April 2025 AC Policy Workgroup met 4 times to develop final Delegation of Authority policy

May 12 Effective Date

Delegation of Authority Policy Development

- Informed by Advisory Council Policy Work Group
  - Four meetings in March and April
- Robust conversations with Policy WG focused on
  - Downstream Delegates
  - Implementation Timeframes
- Steering Committee Approved final policy on April 10

Change Management Timeline

- Proposed Delegation of Authority policies distributed to Implementers
  - March 13th
  - Proposed effective date – May 12th (60 days)

- 21-day comment period
  - March 13 – April 3

- Steering Committee approval of Final Version
  - Thursday, April 10th

- Implementer 30-day Objection Period
  - Begins April 11 (see All Implementer email from that date)
  - Informational Call on April 24
  - **Ends May 11**

- Effective Date
  - Monday, May 12

OBO Background

OBO was developed in 2023 to address issues with Full Participation presented by Connections that were querying on behalf of healthcare providers that did not create or derive new data and therefore had nothing to return in response to a query

In an OBO query, the OBO entity points to the underlying healthcare provider

Concerns have been raised about whether healthcare providers are aware of and have approved certain OBO entries

Dispute Resolution contained a recommendation for the Implementer Community At Large:

o   To better align with TEFCA and promote trust in Carequality, the Steering Committee will consider that before listing any new OBO entries in the Directory, each Implementer must secure the written confirmation of the relationship from the organization on whose behalf the Implementer's Candidate Implementer/Connection will be exchanging information. This written confirmation must be provided by an individual who has primary responsibility for the organization's privacy compliance (e.g. compliance officer or privacy officer) and the individual who serves as the main point of contact for the organization's relationship with its EHR vendor.

TEFCA Delegation of Authority and Initiator Only

Delegation of Authority (<u>Standard Operating Procedure (SOP): Delegation of Authority</u>**)**

- **Principal:** a QHIN, Participant or Subparticipant that is acting as a Covered Entity, Government Health Care Entity, NHE Health Care Provider, a Public Health Authority, a government agency that makes a Government Benefits Determination, or an IAS Provider (as authorized by an Individual) when engaging in TEFCA Exchange

- **Delegate:** a QHIN, Participant, or Subparticipant that (i) is not acting as a Principal when initiating or Responding to a transaction via TEFCA Exchange and (ii) has a written agreement with a Principal authorizing the Delegate to initiate or Respond to transactions via TEFCA Exchange for or on behalf of the Principal.

- **Principal must provide a Delegation Notice to its QHIN authorizing the Delegate to initiate Delegated Requests on behalf of the Principal**

- **Principal must point to the Delegate in the RCE Directory**

- **Delegated Requests must list the Principal for whom the Delegate is initiating the Request**

Initiator Only (<u>RCE™ Directory Service (Directory) Requirements Policy</u>**)**

- **Initiating Node must also be or have an associated Responding Node**

- **Delegates can provide an Initiating Node Only Attestation**

  - Attest that data obtained or created by the Initiating Node following the Initiating Node's use of TEFCA's Connectivity Services that becomes part of a Designated Record Set of [Principal Name] is shared with and maintained in [Name of Principal's Responding Node], which is a Responding Node.

Section 2.0 Roles

- Query Initiators fall into one of the following categories:
    a. **Principal**: an Implementer or Connection that is acting as a (i) Covered Entity, (ii) Governmental Entity, (iii) a health care provider that meets the definition of such term in either 45 CFR § 171.102 or in the HIPAA Rules at 45 CFR § 160.103 but is not a Covered Entity, (iv) a Public Health Authority as defined in 45 CFR § 164.501, (v) an entity asserting the Coverage Determination Permitted Purpose (as authorized by an Individual), or (vi) an entity asserting the Patient Request or Other Authorization-Based Disclosures Permitted Purposes (as authorized by an Individual) when engaging in transactions via Carequality.
    b. **Delegate**: a First Tier Delegate or Downstream Delegate.
        I. **First Tier Delegate**: an Implementer or Connection that (i) is not acting as a Principal when playing the role of Initiator or Responder in a transaction via Carequality and (ii) has been authorized by a Principal to play the role of an Initiator and, unless indicated in the Initiator Only Attestation, Responder in transactions via Carequality for or on behalf of the Principal for specified Permitted Purposes.
        II. **Downstream Delegate**: a Connection that (i) is not acting as a Principal when playing the role of an Initiator or Responder in a transaction via Carequality and (ii) has been authorized by a First Tier Delegate to play the role of an Initiator and, unless indicated in the Initiator Only Attestation, Responder in transactions via Carequality for or on behalf of a Principal for specified Permitted Purposes.
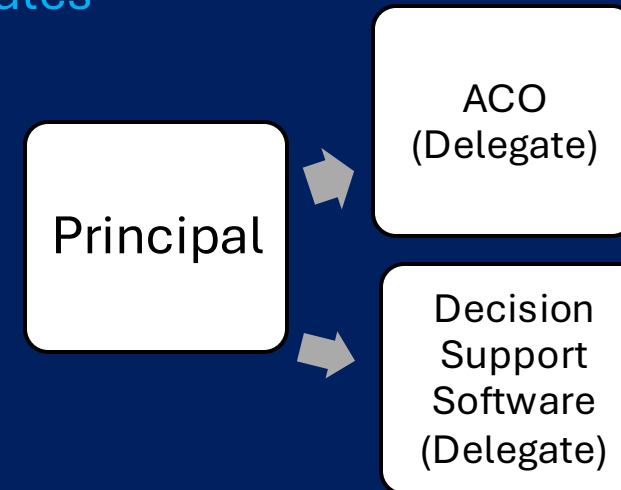
Downstream Delegates

- To promote trust within Carequality:
  - Limit number of Downstream Delegates to only one
  - Principal must authorize a First Tier Delegate to have a Downstream Delegate
- Limiting the number of Downstream Delegates resulted in a number of changes:
  - Changes in the definition of First Tier and Downstream Delegate to remove contractual link and rely on Delegation Notice
  - Update Delegation Notice to authorize Downstream Delegate
  - Only Principals and authorized First Tier Delegates can provide a Delegation Notice

Pattern 1: Principal Authorizing First Tier Delegate to Engage Downstream Delegate

Principal → ACO (First Tier Delegate) → Decision Support Software (Downstream Delegate)

Pattern 2: Principal Authorizing Two First Tier Delegates

Principal → ACO (Delegate)

Principal → Decision Support Software (Delegate)

Section 3.2.1.3 ~~On Behalf Of~~ Initiator Only Delegate

- Entire text of On Behalf Of section will be deprecated on September 22, 2025

- New exception to align with TEFCA Initiating Node Only Attestation:
  - Delegates seeking to use the Initiator Only Delegate exemption MUST provide an Initiator Only Attestation Form (see Section 3.7.3). This attestation is provided by a Principal to its Implementer attesting the data obtained or created by the Principal's Delegate that becomes part of a Designated Record Set of a Principal is shared through Carequality by the Principal's system that is identified in such attestation. For purposes of the Initiator Only Attestation, Designated Record Set has the meaning assigned to that term in 45 CFR §164.501 but applies to a Principal regardless of whether the Principal is a Covered Entity.

Section 3.7 Delegation of Authority

- An Implementer or CC that meets the definition of a Principal may authorize a First Tier Delegate to be an Initiator or Responder on behalf of the Principal. An Implementer or CC that meets the definition of a First Tier Delegate may authorize a Downstream Delegate to be an Initiator or Responder on behalf of the Principal if the First Tier Delegate is authorized to do so in the Principal's applicable Delegation Notice. To be able to authorize a Delegate to send Delegated Requests on behalf of the Principal, the Principal MUST, independent of the Delegate, play the role of Query Initiator for the Permitted Purpose for which the Delegate will act on behalf of the Principal.

Section 3.7.1 Delegation Notices and Revocations

- Delegation:
  - Implementer of Principal "MUST inspect the Delegation Notice for completeness and validity and notify the Connection of its determination within five (5) business days."
  - Implementer of Principal MUST update the Carequality Directory within 1 business day of determination.

- Revocation:
  - Implementer of Principal MUST remove pointer from Directory within 1 business day of Delegation Revocation.

Section 3.7.2 Delegated Requests

- Principal's Directory listing points to Delegate

- Delegate's Query lists the Principal in the SAML

Section 3.7.3 Delegation Notice and Initiator Only Attestation Form

- Principal specifically defines which Permitted Purposes the Delegate may use.

- Principal attests whether Delegate meets the Initiator Only exception in 3.2.1.3

  - Principal is attesting that the Delegate does not create or derive any new clinical information nor is the Principal entering or maintaining new clinical information in the Delegate's system. Principal confirms that data obtained by the Delegate that becomes part of Principal's Designated Record Set is shared with and maintained by the Principle in the system that the 17 Principal utilizes to respond to queries for the Permitted Purposes indicated above through Carequality. Principal MUST notify its Implementer immediately in the event this Attestation is no longer accurate or complete.

    For purposes of this Initiator Only Attestation, Designated Record Set has the meaning assigned to that term in 45 CFR §164.501 but applies to a Principal regardless of whether the Principal is a Covered Entity.

- Principal authorizes whether First Tier Delegate can appoint Downstream Delegates

Section 3.7.4 Delegation Notice First Tier to Downstream Delegate

- First Tier Delegate specifies Permitted Purposes allowed for use by Downstream Delegate, as authorized by Principal

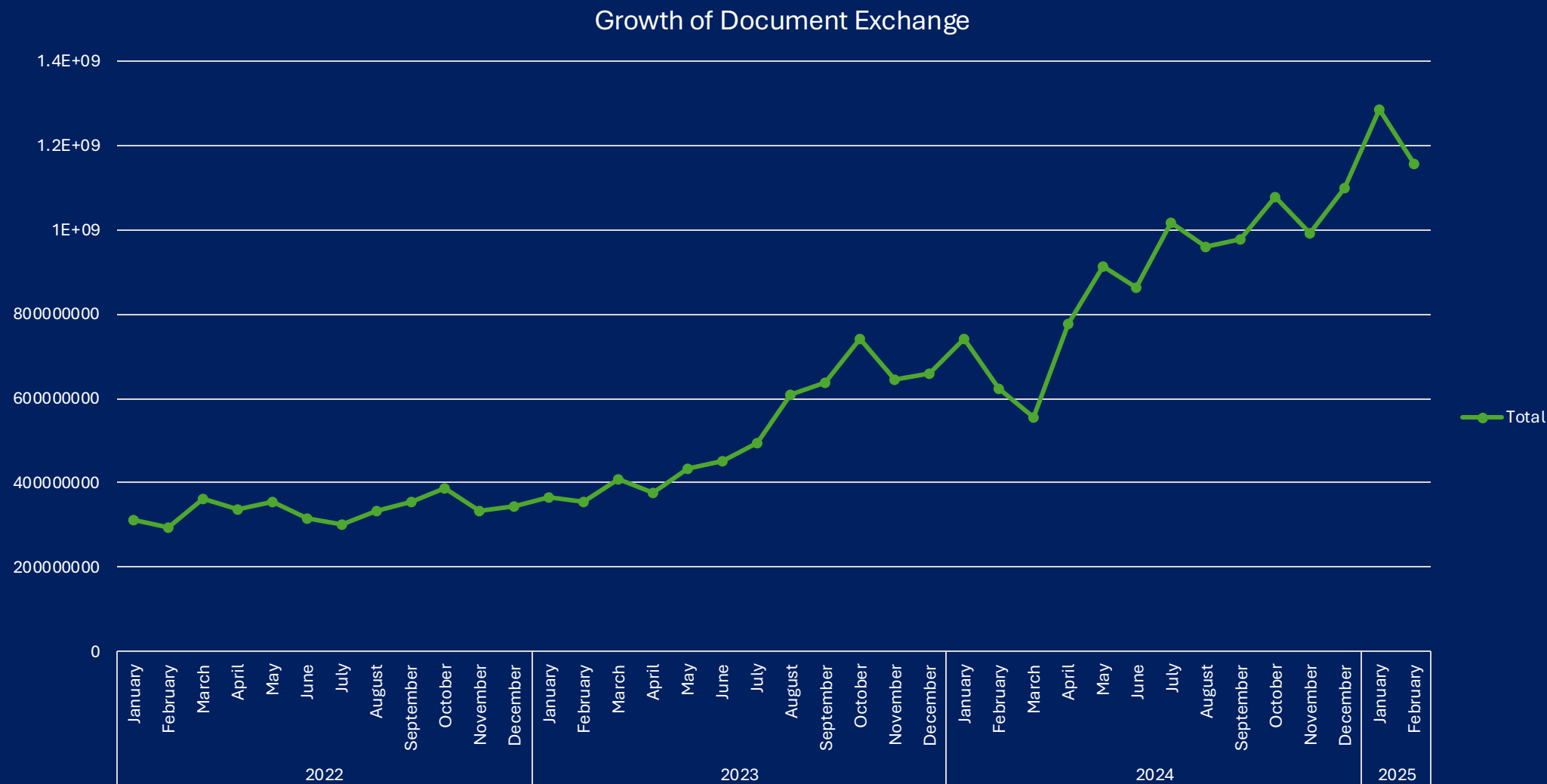# Section 3.7.5 Implementation Timeframes

- Policy Effective Date remains the same – **May 12**
    - Interim Policy for New OBOs to follow Delegation Notice requirements
    - Implementers ready to receive and review Delegation Notices
- Identification of non-OBO Delegates to Carequality - **July 14**
- Date by which only Delegates with Approved Delegation Notices Can Query – **August 12**
    - Includes filing and approval of Delegation Notices by all previous OBOs
    - Shorter transition period than initial draft
- Start Technical Go Live transition - **September 15**
    - Add appropriate indicators ("Pointers") in the Directory to document Principal/Delegate relationship
    - Able to Receive Modified SAML in Queries–Includes staging and testing
    - No new OBOs
- Complete Technical Go Live transition - **September 22**
    - Appropriate indicators ("Pointers") are present in the Directory
    - Able to Send and Receive Modified SAML in Queries

A key difference with Delegation of Authority is the direction of the Pointer in the Directory because the Principal must indicate to whom they have delegated authority.

04

Exchange Volumes

Monthly Clinical Records Exchanged

Growth of Document Exchange

carequality

Thank You