HIT Policy Committee
Governance Subgroup Hearing
## August 22, 2014

Aaron Seib

CEO, NATE

What I have learned about Governing HIE

- Governing HIE is tough – we are still learning
- One size does not fit all.
- In many cases –depending on the use case - a plethora of 'authorities' influence the disclosure decision:
  - Applicable federal law (does this relate to a veteran?)
  - Applicable state law (is there something that applies from the state we are disclosing from?)
  - Applicable local policy considerations (can we redisclose this data we got from someone else?)
  - Applicable preferences of the care giver (did I promise this patient I wouldn't share her information?)
  - Applicable privacy preferences of the individual (my ex-wife works there – could she use this against me in our custody battle?)
  - Applicable laws of the market (is there anybody willing to provide that service at a price point the market will bare?)
  - Applicable financial policies (if we behave this way will be able to sustain ourselves?)
 - …and that is just the primary users of the data

Governance Heuristics
- How to recognize bad governance - the fewer of these 'authorities' that are involved the worse
- How to recognize good governance – supports options that allow local policy decision makers (the most local being the individuals themselves) to chose who they trust

How do you make the Universe Laugh?
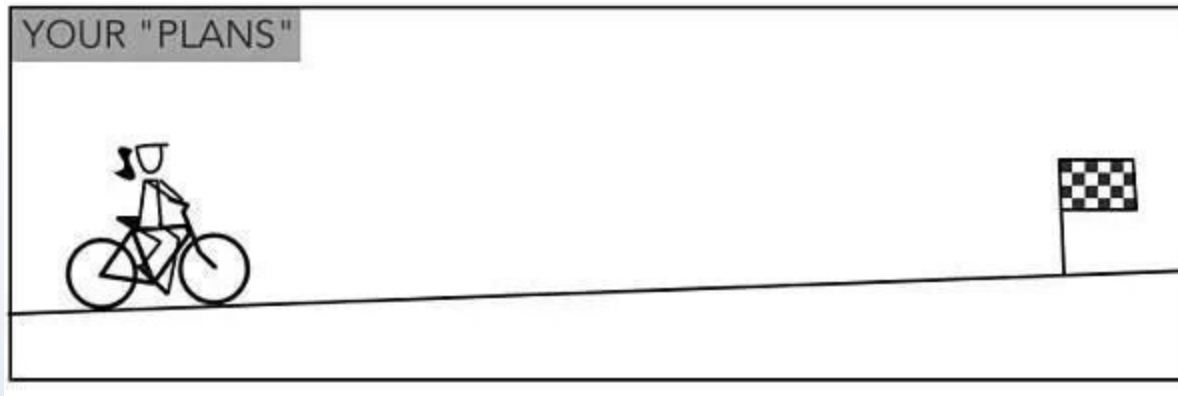
How do you make the Universe Laugh?
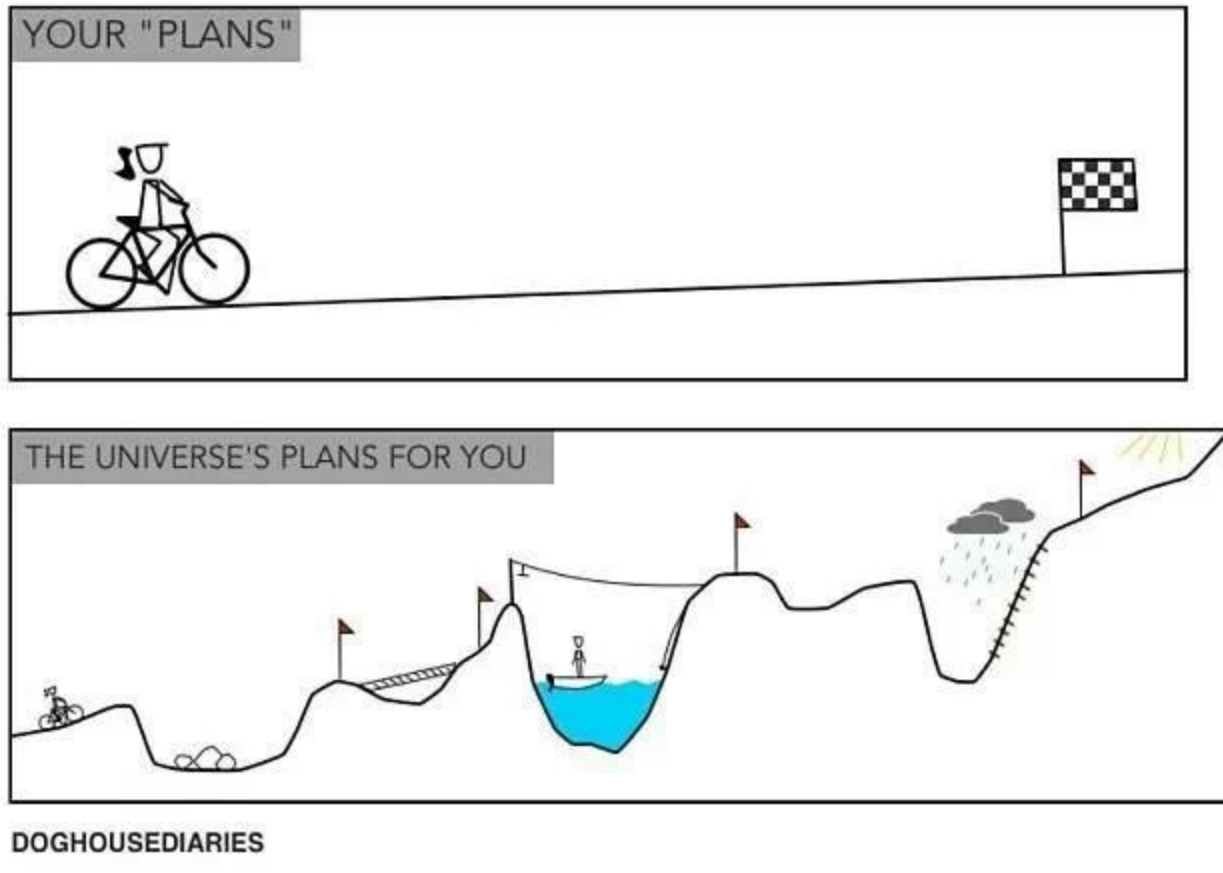
Tell it your plans.

# Could governance eliminate injury due to traffic accidents?

# Sure, if we required everyone to drive one of these at 15 mph.

Meaningful Use of emerging Governance entities

- Assume that there are only 3 governance entities qualified for a given use case.
- Assume that there are only 4 HIOs offering the services for a given use case.
- Assume that there are only 10 Local Policy Decision Makers (LPDMs).
- Assume that some LPDMs may belong to more than one HIO (ex: $LPDM_4$).
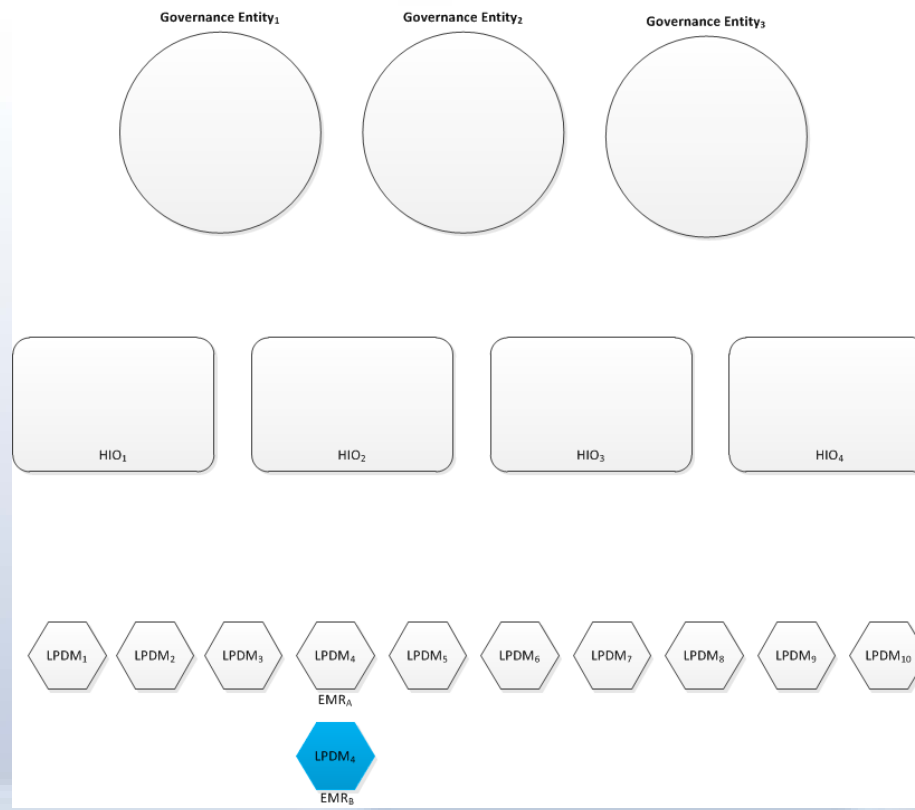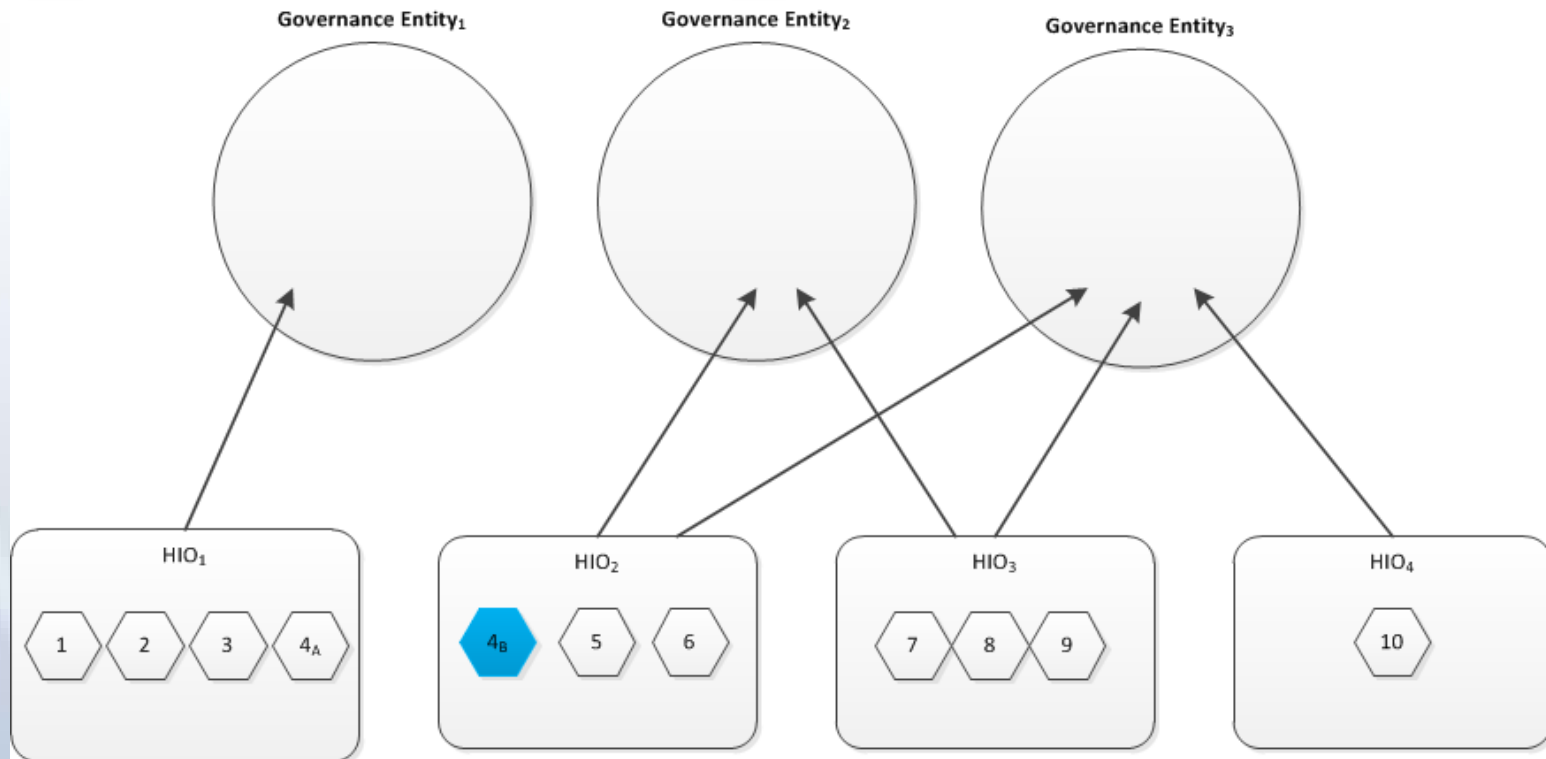
Relationship between LPDMs and HIOs

- A single HIO offers services to many LPDMs
- Some LPDMs are part of multiple HIOs
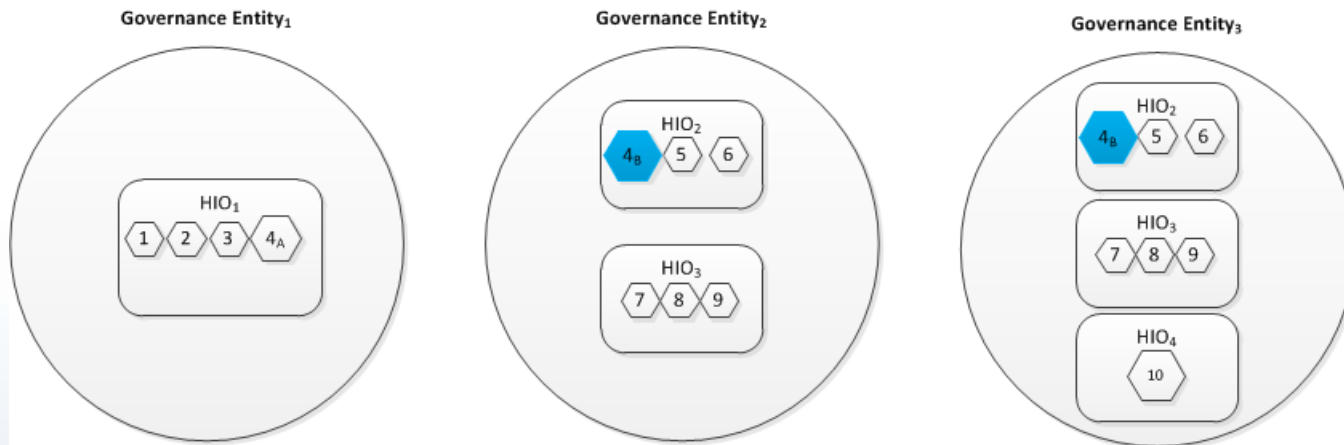- Some HIOs are LPDMs of 1
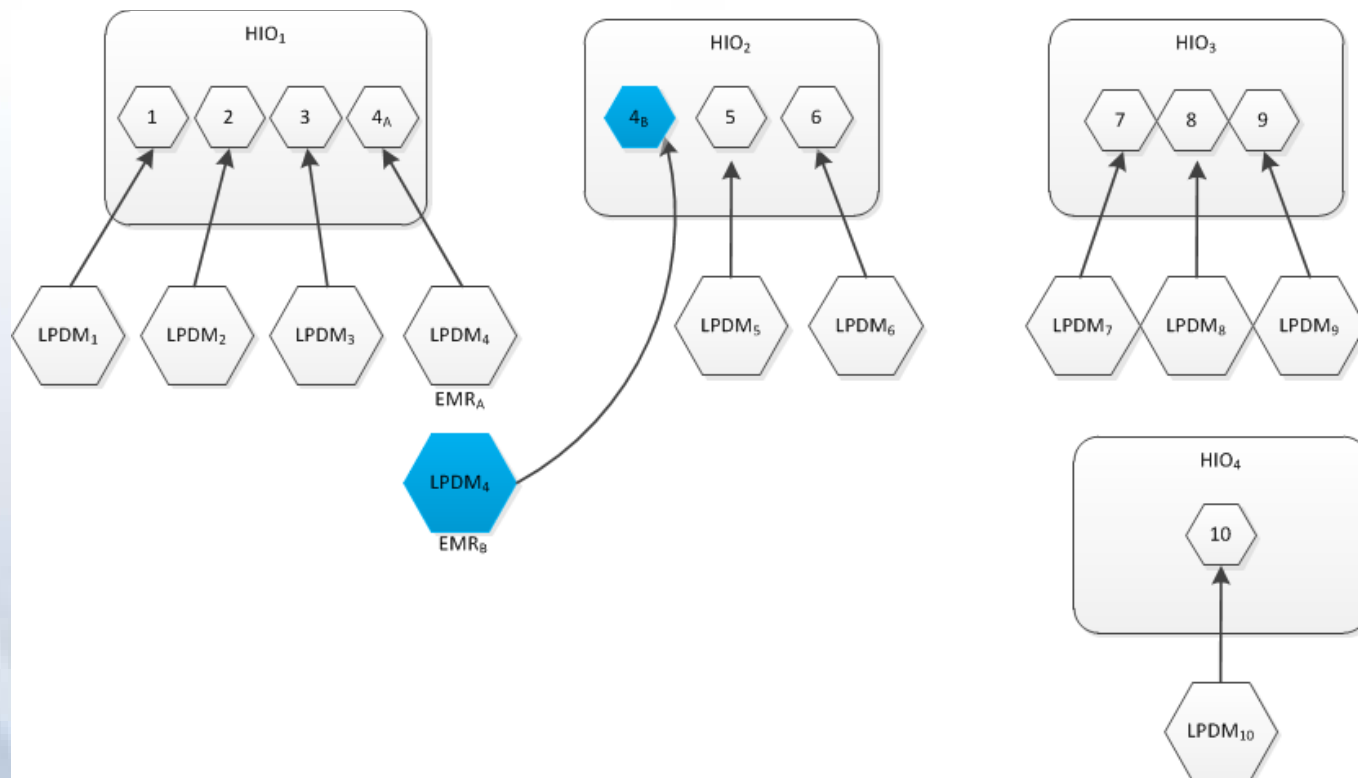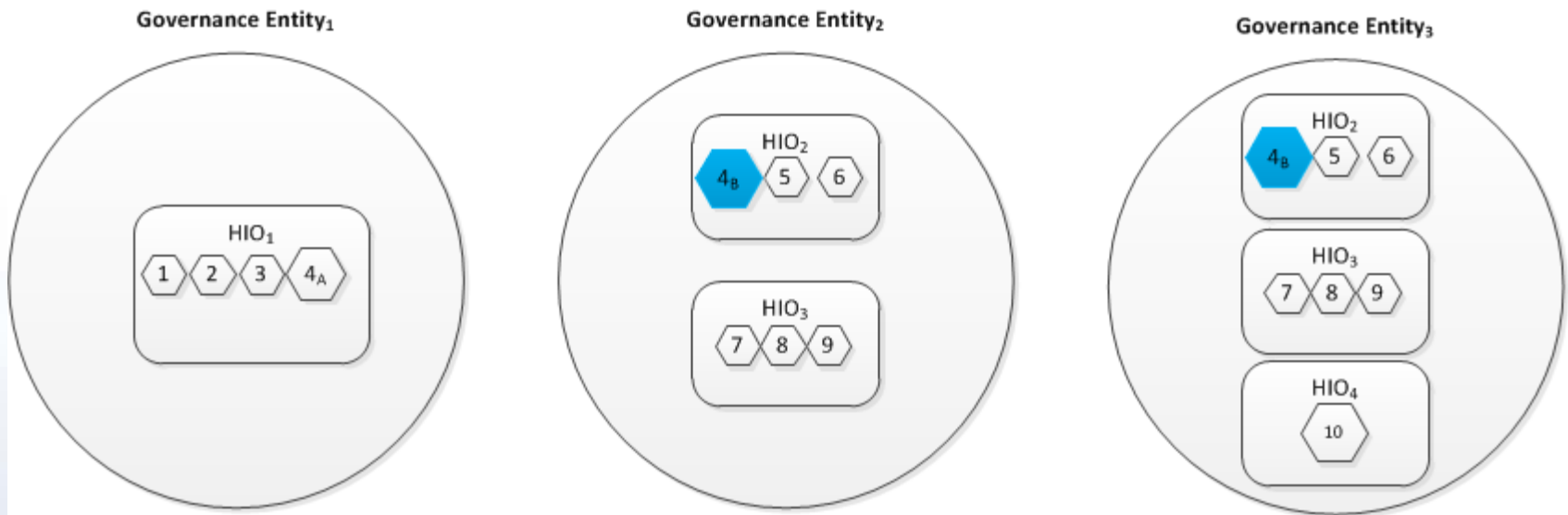
Relationship between HIOs and GEs

- Some HIOs are eligible to be part of only one Governance Entity (HIO_1)
- While others are eligible and belong to many (HIO_2)

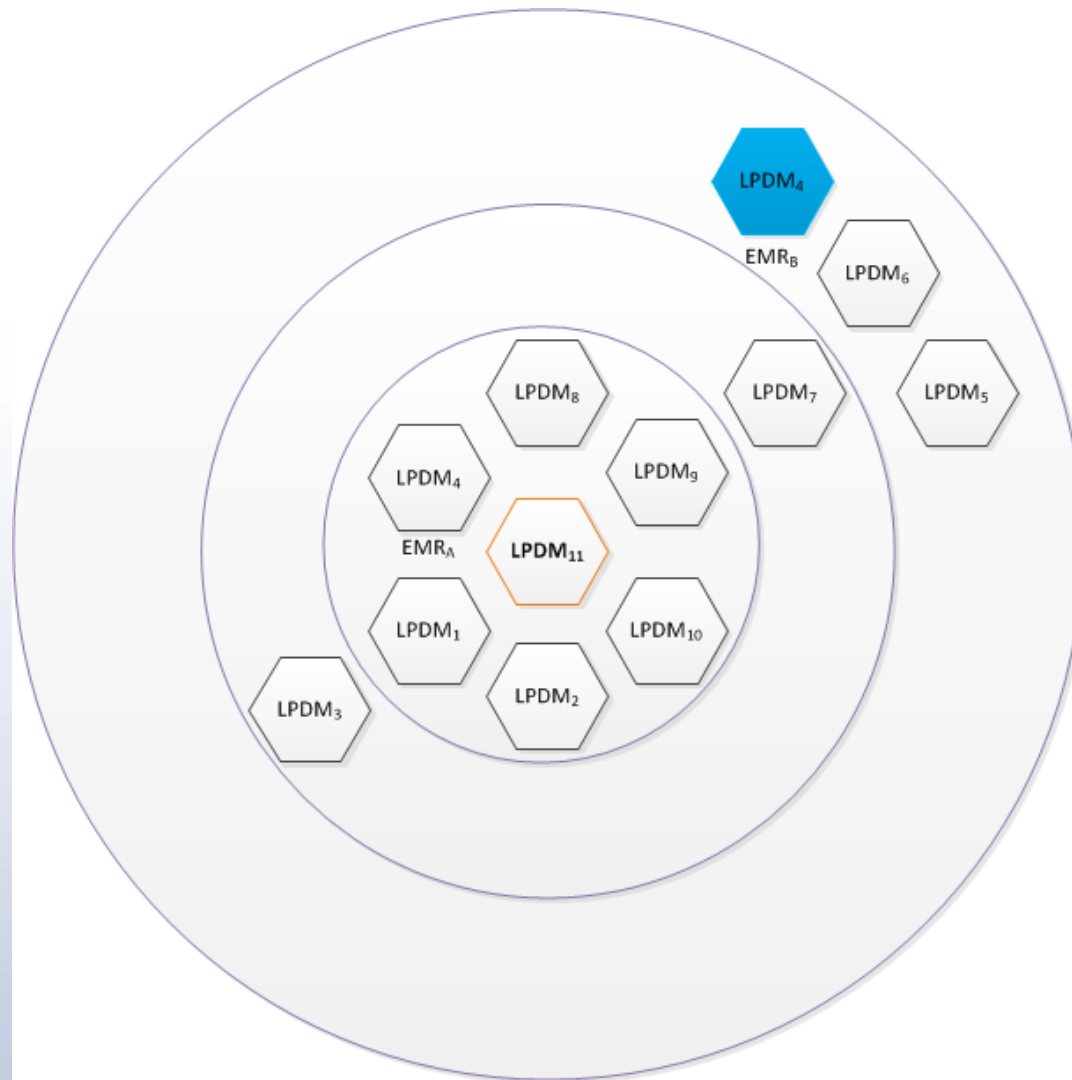# Creating a Landscape like the following

Then along comes $LPDM_{11}$

Governance Entity₁
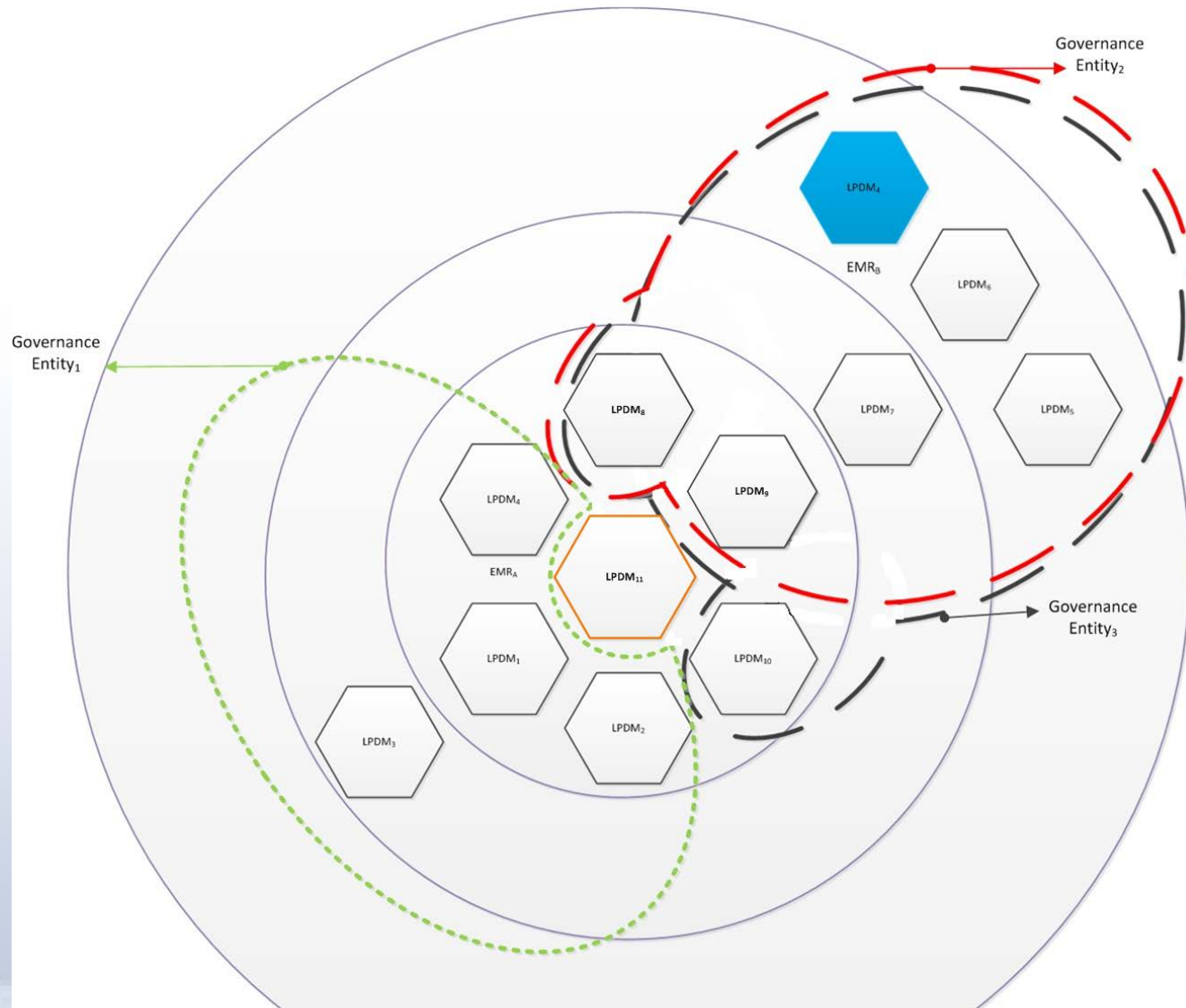
Governance Entity₂

Governance Entity₃

HIO_1
1 2 3 4_A

HIO_2
4_B 5 6

HIO_3
7 8 9

HIO_2
4_B 5 6

HIO_3
7 8 9

HIO_4
10

…then along comes $LPDM_{11}$

$LPDM_{11}$

…who has the highest priority to be able to exchange
with $LPDM_1$, $LPDM_2$, $LPDM_{4_A}$, $LPDM_8$, $LPDM_9$, and $LPDM_{10}$

LPDM$_{11}$ Priority Trading Partners

And the governance decisions to be made

What role should ONC play?

- ONC should make it easier for local policy decision makers to discover:
    - Which Governance Entities can I rely on to meet or exceed my LPDM's requirements?
    - What is the difference between GE_2 and GE_3?
    - Why doesn't GE_1 overlap with either GE_2 or GE_3?
    - Which GE could my org belong to today?
    - What would I have to change to qualify for another?
    - Others?