

Nationwide Health Information Network NHIN Coordinating Committee

SUBJECT: PARTICIPATION – CHANGES, SUSPENSION, TERMINATION		
Status: Approved by NHINCC	POLICY #: NHIN-CC: 3	
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I. Purpose

The NHIN Coordinating Committee is responsible for developing, implementing and operating the NHIN on an interim basis. The fulfillment of these responsibilities involves making changes with regard to the services supported by a Participant as well as suspension and termination of Participants based upon a Participant's request or upon action of the NHIN Coordinating Committee.

This policy outlines a framework for accepting and reviewing requests by Participants to make changes with regard to the services they support as well as processes and procedures for suspension and termination of Participants whether such suspension or termination is initiated by the Participant or by the NHIN Coordinating Committee.

II. Policy

A. Changes to NHIN Services

A Participant may notify the NHIN Coordinating Committee of its plan to add, modify, or terminate services ("Service Change"). The NHIN Coordinating Committee will strive to comply with all Service Change requests.

B. Suspension

1. Voluntarily by the Participant.

Pursuant to Section 21.02(a) of the DURSA, a Participant may voluntarily suspend its participation in the NHIN.

2. With Cause by the NHIN Coordinating Committee.

Pursuant to Section 21.03 of the DURSA, the NHIN Coordinating Committee may suspend a Participant from participating in the NHIN.

3. Reinstatement by the NHIN Coordinating Committee.

After a period of suspension and upon successful completion of the Participant's corrective action plan or other measures directed by the NHIN Coordinating Committee, the NHIN Coordinating Committee shall reinstate a Participant's Digital Credentials and provide notice to all Participants of such reinstatement.

C. Termination

1. Voluntarily by the Participant.

Pursuant to Section 21.02(a) of the DURSA, a Participant may voluntarily terminate its participation in the NHIN.

2. With Cause by the NHIN Coordinating Committee.

Pursuant to Section 21.04 of the DURSA, the NHIN Coordinating Committee may terminate a Participant from participating in the NHIN.

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III. Procedure:

A. Changes to the NHIN Services

All requests for Service Changes by a Participant shall be directed to ONC in writing. Upon receipt of a Service Change request by a Participant, ONC is requested to promptly notify the Chair of the NHIN Coordinating Committee. The Chair shall have the right to summarily approve a Service Change, further consult with other Members or to call a special meeting of the NHIN Coordinating Committee to discuss the Service Change request. ONC is requested to communicate all approved Service Changes to each Member of the NHIN Coordinating Committee (if the approval is granted by the Chair), to each Participant and to ONC. ONC shall be requested to take all appropriate technical actions necessary to carry out the Service Change.

Where a Service Change request involves the addition or modification of services, the Chair shall request that the Participant complete all technical testing in accordance with the NHIN Validation Plan to assess compliance of the new or modified service with the applicable NHIN Performance and Service Specifications. Once the Participant has successfully completed all technical testing, the following activities will occur:

- ONC shall coordinate with the Participant regarding the specific date on which the Participant's new or modified service will be operational, in production and ready to exchange information with other NHIN Participants in production.
- Participant shall provide ONC the required information to update the Participant's information in the NHIN service registry. ONC will confirm that the information supplied is accurate by testing the information provided.
- If the information supplied is accurate, ONC is requested to update the service registry on the specific date agreed to by the Participant.
- The NHIN Coordinating Committee will notify all other Participants when the NHIN service registry is updated to include the Participant's new or modified service.

Where the Service Change request involves the termination of the Participant's ability to respond to Messages that seek Message Content for Treatment, the NHIN Coordinating Committee shall request that ONC take all appropriate technical actions to ensure that the Participant cannot request Message Content for Treatment.

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B. Suspension

1. Voluntarily by the Participant.

Service Level Interruptions

Participants will experience temporary service level interruptions from time to time. These service level interruptions may be planned or unplanned. A service level interruption will result in a Participant having to temporarily cease exchanging Message Content with all other Participants through the NHIN. To ensure that all Participants are aware of a service level interruption, the Participant experiencing the service level interruption will notify the NHIN Help Desk of the interruption prior to the interruption if planned or as soon as reasonably practicable after the interruption begins if unplanned. The NHIN Help Desk will simultaneously notify all other Participants and Members of the NHIN Coordinating Committee of the interruption. Since a service level interruption does not involve the suspension of a Participant’s Digital Credentials, the Participant will be responsible for taking all technical actions necessary to carry out a service level interruption. During a service level interruption, the Participant will continue to be responsible for complying with the terms of the DURSA.

Voluntary Suspension

If, at any point, a Participant decides that it requires a temporary suspension of (i) its Digital Credentials and (ii) its responsibility for complying with the terms of the DURSA, it shall notify the NHIN Help Desk. The Participant must give notice of its need for a temporary voluntary suspension at least twenty-four (24) hours prior to commencing its voluntary suspension.¹ The notice should specify the reason for, the commencement date of, and the duration of the voluntary suspension. Upon receipt of notice of the voluntary suspension, the NHIN Help Desk will forward the notice to Members of the NHIN Coordinating Committee.

If the voluntary suspension will last fewer than five (5) consecutive days and will not cause the Participant to exceed twenty (20) days of voluntary suspension in the past twelve (12) months, the NHIN Coordinating Committee will assume that it is for a valid purpose and request that the NHIN Help Desk take all appropriate technical actions necessary to carry out the voluntary suspension including, but not limited to, suspending the Participant’s Digital Credentials on the commencement date identified in the request. The NHIN Help Desk is also requested to notify all other Participants of such voluntary suspension.

If the duration of the voluntary suspension will exceed five (5) consecutive days or cause the Participant to exceed twenty (20) days of voluntary suspension in the past twelve (12) months, pursuant to Section 21.02(a) of the DURSA, the NHIN Coordinating Committee must agree to the voluntary suspension. Upon receipt of a notice of such a voluntary suspension, the Chair shall promptly call a special meeting of the NHIN Coordinating Committee to discuss, evaluate and make a determination on the suspension request. The NHIN Coordinating Committee shall determine whether the request is for a valid purpose and whether the duration is acceptable. The NHIN Coordinating Committee shall communicate its determinations to the Participant, ONC and all other Participants. ONC shall be requested to take all appropriate technical actions necessary to carry out

¹ A Participant may choose to undergo a service level interruption during this 24-hour period.

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the voluntary suspension including, but not limited to, suspending the Participant's Digital Credentials on the commencement date identified in the request.

If the NHIN Coordinating Committee determines that the request for voluntary suspension is not for a valid purpose or that the duration of the voluntary suspension is unacceptable, the NHIN Coordinating Committee will meet with the requesting Participant to discuss the NHIN Coordinating Committee's determination. The NHIN Coordinating Committee and the Participant will work together in good faith to reach an acceptable resolution. If they cannot reach a resolution, they will submit the Dispute to the Dispute Resolution Process.

2. *With Cause by the NHIN Coordinating Committee.*

Upon receipt of a complaint, report or other information about a Participant that causes the NHIN Coordinating Committee to question whether a Participant is creating an immediate threat or will cause irreparable harm to another party, the DURSA gives the NHIN Coordinating Committee the legal authority to investigate the complaint, report or other information and determine whether such Participant should be suspended.

The NHIN Coordinating Committee delegates that authority to the Chair where a complaint, report or other information received by the Chair indicates that a suspension must be implemented immediately and that, in the judgment of the Chair, it is not practical to delay the suspension while the Committee is convened. If the Chair decides that immediate suspension is required, the Chair will immediately 1) notify ONC and request that ONC take all appropriate technical actions necessary to carry out the suspension including, but not limited to, suspension of the Participant's Digital Credentials; 2) call a special meeting of the NHIN Coordinating Committee to evaluate the suspension; and 3) notify the suspended Participant of the suspension. The NHIN Coordinating Committee shall meet as soon as practicable, but no later than the next day, to evaluate the suspension. If the NHIN Coordinating Committee cannot establish a quorum in order to hold an official meeting by the next day, it shall still meet with as many members as are available and take provisional action without a quorum in accordance its general operating policy and procedure. The suspension will remain in effect until the NHIN Coordinating Committee meets to evaluate the suspension and either affirm, reject or modify the suspension initiated by the Chair. If the NHIN Coordinating Committee affirms or modifies the suspension, it will notify all other Participants of the suspension.

If the Chair determines that immediate suspension is not required, the NHIN Coordinating Committee may initiate an investigation of the complaint, report or other information. The NHIN Coordinating Committee will immediately notify the Participant(s) in question of the investigation. If, through the investigation, the NHIN Coordinating Committee determines that a Participant is (i) creating an immediate threat or (ii) will cause irreparable harm to another party including, but not limited to, another Participant, a Participant User, the NHIN, or an individual whose Message Content is exchange through the NHIN, the NHIN Coordinating Committee may summarily suspend the Participant. Such suspension should be tailored to address the threat posed by the Participant.

The NHIN Coordinating Committee will immediately communicate the suspension to ONC and request that ONC take all appropriate technical actions necessary to carry out the suspension including, but not limited to, suspension of the Participant's Digital Credentials. As soon as

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reasonably practicable after suspending a Participant, but in no case longer than twelve (12) hours, the NHIN Coordinating Committee will provide the suspended Participant with a written summary of the reasons for the suspension and notify all other Participants of the suspension.

The suspended Participant will provide the NHIN Coordinating Committee with a written plan of correction or an objection to the suspension within three (3) business days of being notified of the suspension, or if such response is not reasonably feasible within the three (3) day timeframe, then at the earliest practicable time.

Any objection shall specify the reason that the Participant feels the suspension is inappropriate. The plan of correction should describe the steps that the Participant is taking to address, mitigate and remediate the issue(s) that caused the NHIN Coordinating Committee to determine that a summary suspension was appropriate and include a timeframe for such actions. The NHIN Coordinating Committee will review a suspended Participant's plan of correction or objection within five (5) business days of receiving same from the Participant; determine whether to accept or reject the plan of correction or affirm the suspension; and communicate such decision to the suspended Participant.

If the NHIN Coordinating Committee rejects the plan of correction, it will work in good faith with the suspended Participant to develop a mutually acceptable plan of correction. If the NHIN Coordinating Committee and the suspended Participant cannot reach agreement on the content of the plan of correction or on the reasons supporting the suspension itself, the NHIN Coordinating Committee may submit the Dispute to the Dispute Resolution Process or terminate the Participant.

Any suspensions imposed under this Policy shall remain in effect until the Participant is reinstated or terminated in accordance with the DURSA and this Policy.

C. Reinstatement

1. After voluntary suspension by a Participant.

The Participant's request for a voluntary suspension will state the commencement date and the duration of the suspension. The Participant will have the ability to seek an extension of its voluntary suspension should one be necessary. If the extension will cause the suspension to exceed five (5) consecutive days or cause the Participant to exceed twenty (20) days of voluntary suspension in the past twelve (12) months, the Participant shall provide additional justification for the extension request. The NHIN Coordinating Committee will review, evaluate and make a determination on the extension request.

Either on the date indicated by the Participant in the suspension or extension request or at an earlier time if requested by the Participant, ONC is requested to take all appropriate technical actions necessary to reinstate the Participant's ability to participate in the NHIN including, but not limited to, the reinstatement of the Participant's Digital Credentials.

2. After suspension with cause by the NHIN Coordinating Committee.

Where a Participant's ability to participate in the NHIN has been suspended by the NHIN Coordinating Committee with cause pursuant to Section 21.03 of the DURSA, the Participant shall provide evidence to the NHIN Coordinating Committee of the Participant's fulfillment of the obligations of its plan of correction. The NHIN Coordinating Committee will review such evidence

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within three (3) business days of receiving it from the Participant.

If the NHIN Coordinating Committee is not satisfied that the Participant has met its obligations under its plan of correction, the NHIN Coordinating Committee will inform the Participant of the deficiencies. The Participant will have the ability to submit additional evidence that addresses such deficiencies or the Participant may terminate its participation in the NHIN.

When the NHIN Coordinating Committee is satisfied that the evidence presented indicates that the Participant has fulfilled its obligations under the plan of correction, it will so inform ONC and request that ONC take all appropriate technical actions necessary to reinstate the Participant's ability to participate in the NHIN including, but not limited to, the reinstatement of the Participant's Digital Credentials. The NHIN Coordinating Committee will inform all other Participants of such reinstatement.

D. Termination

1. Voluntarily by the Participant.

All requests for termination by a Participant shall be directed to ONC in writing at least five (5) business days prior to the requested termination date. Upon receipt of a request for voluntary termination by a Participant, ONC shall promptly notify the NHIN Coordinating Committee. The NHIN Coordinating Committee will request that ONC take all appropriate technical actions necessary to carry out the termination including, but not limited to, termination of the Participant's Digital Credentials. The NHIN Coordinating Committee will notify all other Participants of the termination.

2. With Cause by the NHIN Coordinating Committee.

- (a) If, after further investigation following its suspension of a Participant for cause in accordance with Section 21.03 of the DURSA and Section B.2 of this Policy, the NHIN Coordinating Committee believes that there is a substantial likelihood that the Participant's acts or omissions create an immediate threat or will cause irreparable harm to another party, the NHIN Coordinating Committee may terminate the Participant.
- (b) If based on a complaint, report, or other information the NHIN Coordinating Committee finds that a Participant is in material default of the performance of a duty or obligation imposed on the Participant by the DURSA, it shall notify the Participant, in writing, of such default. Material defaults include, but are not limited to, failure to comply with:
 - (i) any privacy, security or confidentiality obligations in the DURSA;
 - (ii) any expectations or duties of a Participant, including a requesting or responding Participant as provided for in the DURSA; and
 - (iii) any breach of the representations and warranties in the DURSA.

If the Participant does not substantially cure its material default within thirty (30) days following receipt of the written notice of such default from the NHIN Coordinating Committee, the NHIN Coordinating Committee may terminate the Participant. During the cure period, the NHIN Coordinating Committee will have the ability to suspend the Participant in accordance with Section 21.03 of the DURSA and Section B.2 of this Policy or continue any existing suspension.

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The NHIN Coordinating Committee will immediately communicate its decision to terminate a Participant to ONC and request that ONC take all appropriate technical actions necessary to carry out the termination including, but not limited to, termination of the Participant's Digital Credentials. The NHIN Coordinating Committee will notify all other Participants of the termination.

IV Definitions:

DURSA: Data Use and Reciprocal Support Agreement

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

VI References:

DURSA

VII Related Policies and Procedures:

VIII Version History:

	Date	Author	Comment
1	6/20/09	Randall E. Sermons	Original.
2	6/23/09	Randall E. Sermons	Modify checklists into numbered sections of the Application and all associated language in the text relating to the checklists and supporting documentation. Modify references to the NHIN Service Registry. Clarify service issues relating to exchanges for treatment purposes. Add references to Digital Credentials.
3	10/14/09	Randall E. Sermons	Minor grammatical changes. Add sections on reinstatement.
4	10/19/09	Mariann Yeager	Added comments from NHIN Implementation Team that were discussed with this group in last call.
5	10/20/09	Mariann Yeager	Added edits / comments from 10/20 Team call.
6	11/9/09	Erin Whaley and Steve Gravely	Added detail to the procedures based on comments from the 11/3/09 Team call.
7	11/27/09	Erin Whaley and Steve Gravely	Revisions based on comments from 11/19/09 CC call.
8	12/7/09	Erin Whaley and Steve Gravely	Revisions based on comments re: voluntary suspension on 12.2.09 CC call.
9	12/17/09	Aaron Seib	Updated status and version number to reflect Coordinating Committee approval. Updated formatting.