# NHIN Coordinating Committee

Meeting Notes:  11/19/09 (10-Noon EST) – Approved by the NHIN-CC 12/2/09

## Committee Members

| Member Type | Member Name | Member Organization | Present |
|---|---|---|---|
| NHIN Production Participants | Jim Borland | SSA | X |
| | Michael Matthews | MedVirginia | X |
| NHIN Cooperative Representatives | Holt Anderson | NCHICA | X |
| | Marc Overhage | Regenstrief | |
| Definitive Plan Participants | Tim Cromwell (Interim) | VA | X |
| | Dr. John Mattison | Kaiser Permanente | X |
| ONC | Ginger Price | ONC, NHIN Program | X |
| Secretary | Mariann Yeager | ONC, NHIN Program | X |

## Other Invited Participants:

- Steve Gravely, Troutman Sanders – DURSA Subject Matter Expert

## Confirmed Observers

- Ryan Barry, DHIN
- Jim DeMoss, Kaiser Permanente
- Michele Grinberg, WVHIN
- Liesa Jenkins, CareSpark
- Eric Larson, ONC

- Justine Piereman, SSA
- Erin Whaley, Troutman Sanders

NOTE: Portions of the meeting notes related to Confidential Participant Information may have been removed.

# Meeting Summary

| Agenda Topic | Summary | Decision / Outcome | Action / Follow Up |
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| Identify participants | Mariann Yeager facilitated roll call and identified the NHIN CC members and observers present. | See list of participants and observers noted above. | N/A |
| Quorum | Jim Borland, Chair, confirmed that quorum was established in order to make decisions. | Quorum established. | N/A |
| Meeting Notes – 11/5/09 | The group discussed the meeting notes from 11/5/09. No changes proposed. | Michael Matthews motioned to approve the meeting notes for 11/5/09.<br><br>Jim Borland seconded the motion.<br><br>There was no discussion.<br><br>Jim Borland called the decision. All members voted in favor, with no opposition.<br><br>Meeting notes from 11/5/09 were approved without changes. | N/A |
| NHIN-CC Operating Procedure (NHIN-CC: 3) - Participation Changes, Suspension and Termination | A draft operating procedure related to Participation, Changes, Suspension and Termination was presented to the NHIN-CC for consideration.<br><br>Jim Borland opened up discussion on the draft operating procedure.<br><br>The WVHIN submitted written comments raising concern about the NHIN-CC's ability to respond in a timely fashion to address suspension or termination with cause (Section III.B.2).<br><br>The operating procedure says, "The NHIN Coordinating Committee shall meet as soon as practicable, but no later than the next business day | Revise the Operating Procedure to reflect the changes discussed.<br><br>Request that the NHIN Specification Factory Team consider adding a response code explaining why a participant is off-line.<br><br>The revised operating procedure will be presented to the Committee for approval in the 12/2 call. | Revise operating procedure and communicate to Cooperative. |

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| | to evaluate the suspension." | | |
| | The Committee determined that it should be able to respond after hours regarding matters that require timely consideration. | | |
| | Committee members agreed to provide after-hours contact information to the Committee Secretary so that Committee members can be accessible 24 x 7. The Committee also agreed to revise the operating procedure to reflect one calendar day should be sufficient to convene a quorum. | | |
| | It was also noted that an NHIN Help Desk is in the process of being set up to address technical matters. This support function may also play a role in after-hours issues. | | |
| | The draft operating procedure also gives authority to the Committee Chair in certain circumstances to approve voluntary suspension. | | |
| | The Committee considered the circumstances when Chair or Committee approval may be necessary for voluntary suspensions. | | |
| | The Committee acknowledged that it may not be practicable to have the Chair approve routine maintenance and system upgrades. It was suggested that these could be handled outside the NHINCC, by having Participants notify other participants, ONC and the Chair. | | |
| | The operating procedure should be clarified to reflect the circumstances that may warrant suspending or terminating a Participant's digital credentials. | | |
| | The Committee suggested adding tiers for notification, based upon the nature of circumstances that would warrant Chair or Committee consideration. | | |

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| | In addition, it was also suggested that there be a response code that all Participants would be required to support if their system is off-line for a limited timeframe. This matter will be referred to the NHIN Specifications Factory for consideration.<br><br>This procedure is not intended to address operational and service-level matters. Operations, service level availability, technical responses "e.g. away messages", monitoring availability of NHIN nodes are operational matters outside the scope of this operating procedure.<br><br>The Committee suggested adding an affirmative statement to the operating procedure to make this intent clear. | | |
| NHIN-CC Operating Procedure (NHIN-CC: 4) – NHIN Change Process | The Committee deferred review of this operating procedure until the next meeting. | Add to the meeting agenda for the 12/2 call. | N/A |
| New NHIN-CC Operating Procedure | Mariann Yeager presented a request for a new operating procedure following a revision to a new one-hour DURSA breach notification provisions.<br><br>The DURSA Team approved a change to the DURSA, creating a one-hour early notification requirement when there is a reasonable basis to believe an NHIN-related breach may have occurred. It was suggested that the NHIN-CC develop an operating procedure further clarifying the characteristics of an instance that would require early reporting.<br><br>The Committee discussed the following:<br><br>• Use a reasonableness standard.<br><br>• What types of information would lead a | The Chair directed ONC to develop an operating procedure to address the new one-hour notification requirement addressed in Section 16.03 of the DURSA. | Mariann Yeager will engage the NHIN Operating Procedures Team to draft an operating procedure for Committee review and approval. |

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| | Participant to believe that a breach may have occurred – or the characteristics of the event.<br><br>• Leverage language from the Changes, Suspension and Termination<br><br>• Preliminary assessment that a breach may have occurred.<br><br>A formal Committee vote is not needed to develop a new operating procedure. The chair can direct this effort. A new operating procedure would serve as guidance to NHIN Participants further articulating expectations for reporting and also outline how the Committee would respond to such notifications. | | |
| New Business | A new matter was brought forward regarding NHIN-CC transparency.<br><br>Jim Borland noted that decisions and rationale behind the Committee's decisions should be as transparent as possible.<br><br>The Committee discussed the importance of promoting as much transparency as possible, such as posting information captured in the meeting notes. The Committee noted that it could determine whether certain information should be redacted during review of meeting notes. In addition, the Committee will add line item to each agenda to determine whether certain information should not be posted.<br><br>As a guiding principle, the Committee wished to promote transparency to the general public. | The Committee affirmed that all NHIN-CC meeting notes approved to date may be shared to the NHIN Cooperative and posted to the ONC public web site with the policy documents approved (NHIN-CC 1, NHIN-CC 2, and the template application).<br><br>ONC will consult with HHS counsel regarding any required disclaimers or guidelines for making this information available on the publicly accessible HHS web site. | ONC will circulate approved operating procedures and meeting notes to the NHIN Cooperative and post these materials to the Cooperative portal and publicly accessible HHS web site. |
| Future Agenda Items | The group discussed a schedule and identified possible topics for upcoming calls. | Meeting Schedule / Topics<br>• 11/24 – OPP Review team call (1-3 pm EST) | Schedule calls and prepare agendas |

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| | | • 12/1 – OPP Review team call (1-3 pm EST)<br>  - Review NHIN-CC: 6 – Information Handling<br>  - Review NHIN-CC: 7 – Breach Notification<br>• 12/2 – NHINCC Call Approve 11/19 meeting notes<br>  - Approve NHIN-CC Operating Procedures<br>  - Revised NHIN-CC: 1 -<br>  - , NHIN-CC 3<br>  - NHIN-CC 4 – Change Process (Performance and Service Specifications)<br>  - NHIN-CC 5 – Change Process (Operating Procedures)<br>  - Maintaining DURSA, policies and procedures)<br>• 12/3 - NHIN Cooperative Leadership Call<br>• 12/8 – OPP Review team call (1-3 pm EST)<br>  - Review NHIN-CC: 6 – Information Handling<br>  - Review NHIN-CC: 7 – Breach Notification<br>• 12/17– Monthly NHINCC call (10-12 EST)<br>  - Approve 12/1 meeting notes<br>  - Approve NHIN-CC: 6 – Information Handling<br>  - Approve NHIN-CC: 7 – Breach Notification | |

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| Adjournment | The Chair asked whether there was any other business the Committee wanted to address. | No other business was raised.<br><br>There was a motion to adjourn. This motion was seconded.<br><br>The meeting adjourned. | N/A |