NHIN Coordinating Committee

Meeting Notes: 12/2/09 (10-Noon EST) - FINAL

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	X
Definitive Plan Participants	Stephanie Griffin	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
- Leslie Power, ONC - Testing 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

Meeting Summary

Agenda Topic	Summary	Decision / Outcome	Action / Follow Up
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 all Committee members were present.	Quorum established.	N/A
Meeting Notes – 11/19/09	The group discussed the meeting notes from 11/19/09. No changes proposed.	Holt Anderson motioned to approve the meeting notes for 11/5/09. John Mattison seconded the motion. There was no discussion. Jim Borland called the decision. All members voted in favor, with no opposition. Meeting notes from 11/19/09 were approved without changes.	N/A

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NHIN Validation Plan Interim Validation Plan	NHIN Validation Plan (Version 0.9) Leslie Power presented the draft NHIN Validation Plan (version 0.9) that identifies the process for testing and validating that an Applicant meets the technical requirements for participation. Leslie clarified that the plan was intended to lay out the process for validation, but not to define the criteria for participation. The plan would point to the appropriate reference. The Committee suggested that the plan be revised to remove the criteria and reference the appropriate NHIN Coordinating Committee Operating Policy and Procedure and also align with the DURSA. It was also suggested to remove the term "essentially" from page 3. Interim Validation Plan (Version 0.99) The Committee discussed the proposed interim plan. It was clarified that the intent of this plan was to outline testing requirements for certain entities that have a need to test before the testing tools were available. This interim plan is intended to serve as Appendix 2 to the DURSA for those parties. The document should state explicitly that it is limited to only for VA, KP, DoD and CDC.	NHIN Validation Plan (Version 0.9) ONC will modify the plan based upon the Committee's comments. The revised Validation Plan will be reviewed at a future Committee call. Interim Validation Plan (Version 0.99) Holt Anderson made a motion to approve the Interim Validation Plan (version 0.99), subject to adding language to specify the specific entities that will use this plan, including: VA, KP, DoD and CDC. Michael Matthews seconded the motion. Steve Gravely asked for a point of clarification regarding the version. The motion pertains to approving the Interim Validation Plan (version .99) to be added as Appendix 2 in the DURSA. All voted in favor. There was no opposition. The Committee will verify that the language has been changed in the next call.	Present Revised Validation Plan to Committee for approval in 12/17 call. Revise Interim Validation Plan and present to Committee on 12/17 to ratify the provisional approval.
NHIN-CC: 1 – Review Applications for Participation and Definitive Plans (Revised)	Mariann Yeager reviewed the changes to NHIN-CC: 1. Stephanie Griffin asked about the process for raising questions after procedures are approved. The operating procedures are considered living documents that will evolve over time. It was suggested providing a brief orientation to new members to help orient them to the history, process and existing materials. New members will also have access to the Committee's prior meeting notes.	Holt Anderson made a motion to approve the revised NHIN-CC: 1. Michael Matthews seconded the motion. There was no additional discussion. All voted in favor. No opposition.	ONC will develop a new member orientation package.

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NHIN-CC Operating Procedure (NHIN-CC: 3) - Participation Changes, Suspension and Termination	Revisions to the draft operating procedure were reviewed with the Committee. Voluntary Suspension: It was questioned whether suspected security incidents should be addressed under voluntary suspension and termination. It was noted that the DURSA also addresses one-hour notification for breaches. As a result, NHIN-CC 7 (Breach Notification operating procedure) should clarify that a Participant may, as part of its response and remediation, suspend its participation. The group agreed that the Chair should be able to summarily approve these requests within certain time parameters. Section 21.01 should enable a Participant to suspend its participation for a valid purpose if the Participant gives the Committee 24 hour prior notice. The Committee process should enable voluntary suspension, in lieu of requiring the Committee to have to approve voluntary suspension as requests. A service level interruption that is expected to last less than 24 hours will not require advance notice. It was recognized that the policy should not be written so specifically that a Participant would unwittingly violate the policy. The Committee agreed that the intent was to establish some parameters. It was suggested that a review process be added to consider whether participants are capable of providing continuous service. If it is appropriate to send a prospective notice to participants in advance of an outage, then the NHINCC should help facilitate communication and notification in lieu of seeking permission. In future, there should not be a need for a voluntary suspension.	NHIN-CC: 3 – will be revised. The Committee will defer approval of this procedure for a future call. NHIN-CC: 2 – will be revised to conform to the process under policy #3.	Revise operating procedure and communicate to Cooperative.

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	The operating procedure should focus on communication rather than permission. Putting the Committee in a situation of having to review and approve suspensions will not likely scale as additional participants join.		
	In addition, the group discussed several other revisions, including:		
	Suspension with Cause:		
	…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.		
	Reinstatement:		
	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 which addresses such deficiencies or the Participant may terminate its participation in the NHIN.		
	In addition, it was noted that NHIN-CC: 2 – enables the Committee to take action without a quorum as long as it does not impact a Participant's rights.		
	Need to clarify that the Committee can take provisional action to suspend a Participant's digital credentials to avoid a conflict.		
NHIN-CC Operating Procedure (NHIN-CC: 4) – NHIN Change Process	Did not discuss.	N/A	Add to 12/17 agenda

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NHIN-CC: 5 – NHIN Change Process – NHIN Operating Policies and Procedures	Did not discuss	N/A	Add to 12/17 agenda
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 provision. 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. The Committee discussed the following: • Use a reasonableness standard. • What types of information would lead a Participant to believe that a breach may have occurred – or the characteristics of the event. • Leverage language from the Changes, Suspension and Termination operating procedure. • Preliminary assessment that a breach may have occurred. It was clarified that a formal Committee vote is not needed to develop a new operating procedure. The Committee 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.	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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New Business	A new matter was brought forward regarding NHIN-CC transparency. Jim Borland noted that decisions and rationale behind the Committee's decisions should be as transparent as possible. 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. The Committee will add line item to each agenda to determine whether certain information should not be posted. 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). 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
		
		• 12/8 – Operating Procedure Review Team Call
		  - Review NHIN-CC: 6 – Information Handling
		  - Review NHIN-CC: 7 – Suspected Breach Notification
		• 12/15 – Operating Procedure Review Team Call
		  - Complete review of NHIN-CC: 6 & 7
		• 12/17– Monthly NHINCC Call (10 am – Noon EST)
		  - Review NHIN-CC: 3
		  - Approve NHIN-CC: 6 – Information Handling
		  - Approve NHIN-CC: 7 – Suspected Breach Notification
			Schedule calls and prepare agendas

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