



# API CONDITIONS OF CERTIFICATION

## API TECHNOLOGY ROLES



**API Technology Supplier** Health IT developer that creates API technology presented for certification in the ONC Health IT Certification Program



**API Data Provider** Health care organization that deploys the API technology



**API User** Persons and entities that use or create software applications that interact with API technology

ONC has designed API Conditions of Certification that will complement the technical capabilities described in our other proposals, while addressing the broader technology and business landscape in which these API capabilities will be deployed and used.

*Note: The API Conditions of Certification only apply to API Technology Suppliers with health IT certified to any API-focused certification criteria.*

## TRANSPARENCY CONDITIONS

### ONC has proposed

that API Technology Suppliers make business and technical documentation necessary to interact with their APIs in production freely and publicly accessible.

*Note: API Technology Suppliers with API technology already certified would have six months from the final rule's effective date to revise their existing API documentation to come into compliance with the final rule.*

### What specific documentation is covered under this requirement?

An API Technology Supplier must publish the terms and conditions applicable to its API technology, including those relating to:

- Fees
- Restrictions
- Limitations
- Obligations
- Software application registration process requirements
- Any other material needed to develop, distribute, deploy, and use software applications that interact with the API technology



## PERMITTED FEES CONDITIONS

### ONC has proposed

to adopt specific conditions that would set boundaries for the fees API Technology Suppliers would be permitted to charge and to whom those permitted fees could be charged.

### What fees are API Technology Suppliers allowed to charge?

- ✓ **API Technology Suppliers are permitted to charge API Data Providers:**
  - Fees to recover costs reasonably incurred to develop, deploy, and upgrade API technology.
  - Fees to recover the incremental costs reasonably incurred to support the use of API technology (excluding the support of a patient's ability to access, exchange, or use their EHI).
- ✓ **API Technology Suppliers are permitted to charge API Users:**
  - Fees for "value-added services" supplied in connection with software that can interact with API technology, provided that such services are not necessary to efficiently and effectively develop and deploy such software.



**All other fees not addressed within the "permitted fees" would be prohibited.**

## OPENNESS AND PRO-COMPETITIVENESS CONDITIONS

### ONC has proposed

that API Technology Suppliers would have to comply with certain requirements to promote an open and competitive marketplace.

### How can an API Technology Supplier meet these pro-competitive conditions?

- Grant an API Data Provider the sole authority and autonomy to permit API Users to interact with the API technology deployed by the API Data Provider.
- Upon request, grant API Data Providers and their API Users all rights that may be reasonably necessary to access and use API technology in a production environment.
- Make reasonable efforts to maintain the compatibility of its API technology and to otherwise avoid disrupting the use of API technology in production environments.
- Provide API technology on terms:
  - Based on objective and verifiable criteria that are uniformly applied for all substantially similar or similarly situated classes of persons and requests.
  - That are not based in any part on whether the API User is a competitor, potential competitor, or will be using the data in a way that facilitates competition with the API Technology Supplier.
  - That are not based on the revenue or other value the API User may derive from the access, exchange, or use of the EHI obtained by means of the API technology.



## MAINTENANCE OF CERTIFICATION

### ONC has proposed

specific requirements for API Technology Suppliers to maintain their Health IT Module certification.

### What does an API Technology Supplier need to do to maintain its certification?

- Register and enable all applications for production use within one business day of completing its verification of an application developer's authenticity.
- Support the publication of "Service Base URLs" (i.e., FHIR® server endpoints) for all of its customers, regardless of those that are centrally managed by the API Technology Supplier or locally deployed by an API Data Provider, and make such information publicly available at no charge.
- An API Technology Supplier with API technology certified to § 170.315(g)(8) must provide all API Data Providers with a (g)(10)-certified API within 24 months of this final rule's effective date.

