

Legal and Policy Advisory Group

Rescheduled December Meeting

January 7, 2014



Agenda

Project Update

Mass HIway Phase 2 policy input

Next Steps

Phase 1 – Transaction and deployment update

November Activity

Moved to Production (Actively Exchanging Patient Data)

Went Live (Connected, but not exchanging data)

<ol style="list-style-type: none">1. Heywood Hospital (MIIS)2. Milford Regional Medical Center3. UMASS Memorial	<ol style="list-style-type: none">1. Addiction Treatment Center of NE (OPT)2. Berkshire Health System (Webmail)3. Boston Healthcare for the Homeless4. Caring Health Center5. Center for Human Development6. Noble Hospital7. Senior Link8. Women's Health Associates of MA9. Worcester Rehab & Health Center
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Overall Hlway Connections



Total Orgs in Production = ~~32~~ 35

Total Orgs Live = ~~13~~ 22

Total Orgs on the Hlway = ~~45~~ 57

Phase 1 – Transaction and deployment update cont.

New Participation Agreements Executed in November (All Channels)

1. Beverly Hospital/NHS
2. Chair City Family Medicine
3. Christopher House
4. Dr. Masucci
5. Orleans Medical Center
6. Pulmonary and Primary Care Associates

Transactions exchanged for November – **129,045**

Cumulative transactions to date – **1,764,493**

HISP to HISP Connectivity

Current Status

- Key HISP Vendors identified and engaged for implementation (Expected completion- Jan 2014)
 - Surescripts
 - eClinicalWorks
 - Secure Exchange Solutions (SES)

Next Steps

- HISPs ready to start testing in January 2014
 - Aprima
 - MEDfc Corporation
 - McKesson Homecare and Hospice

Phase 2 overall timeline

Activity	Target date
CMS approval of Phase 2 IAPD	Completed
Phase 2 contract (or change order) executed	Completed
Go-live - Public Health - Immunization Registry Node	Completed
Go-live - Public Health - Reportable Lab Results (ELR) Node	Completed
Testing - Public Health - Syndromic Surveillance Node	Completed
Testing - EOHHS – Children’s Behavioral Health (CBHI) Node	Completed
Phase 2 Requirements Gathering & Validation	Completed
Phase 2 Design Approach Decision	Completed
Testing – Opioid Treatment Program (OTP) Node	Completed
Go-live Testing– Cancer Registry Node	Dec 2013
Go-live - Phase 2, Release 1 (eMPI, RLS, Consent, Clinical Portal, Patient Portal) Demonstration Event	Jan 2014
Go-live – Lead Poisoning Prevention Program Node	March 2014
Go-Live – Phase 2, Release 2 (Feature extensions and technical updates)	Feb - Apr 2014

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Setting the table for today's discussion

HISP to HISP trust discussion

- **The market has evolved rapidly and it has become necessary for the Mass Hlway to connect with several other Health Information Services Providers (HISPs) in order to reach many Massachusetts providers**
- **EOHHS has determined that it will execute HISP Agreements with these HISPs as well as Participant Agreements with the Massachusetts organizations and individual healthcare providers that come under the HISP**
- **Today we will discuss the Mass Hlway approach to other HISPs and the specific policy guidance being contemplated for the HISP Agreement**

What is a HISP?

A Health Information Service Provider (HISP) is a network that has its own trust fabric, comprising two key elements:

- 1. A HISP issues its own Direct addresses**
- 2. A HISP issues its own Direct-compliant certificates to their end-points.**

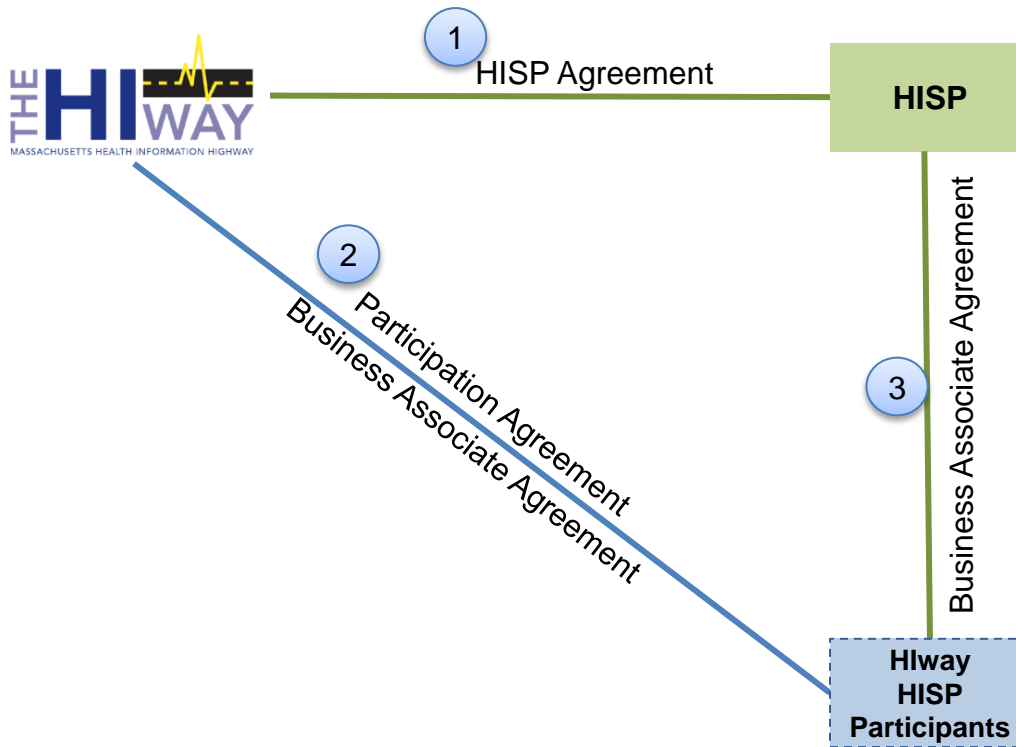
HISP examples:

- Surescripts
- eClinicalWorks
- Winchester / Secure Exchange Solutions (SES)

Not HISPs:

- PVIX
- Holyoke
- Meditech
- Partners
- Epic

HISP to HISP Contract Approach



1) Hlway executes HISP Agreement with HISP outlining mutual responsibilities

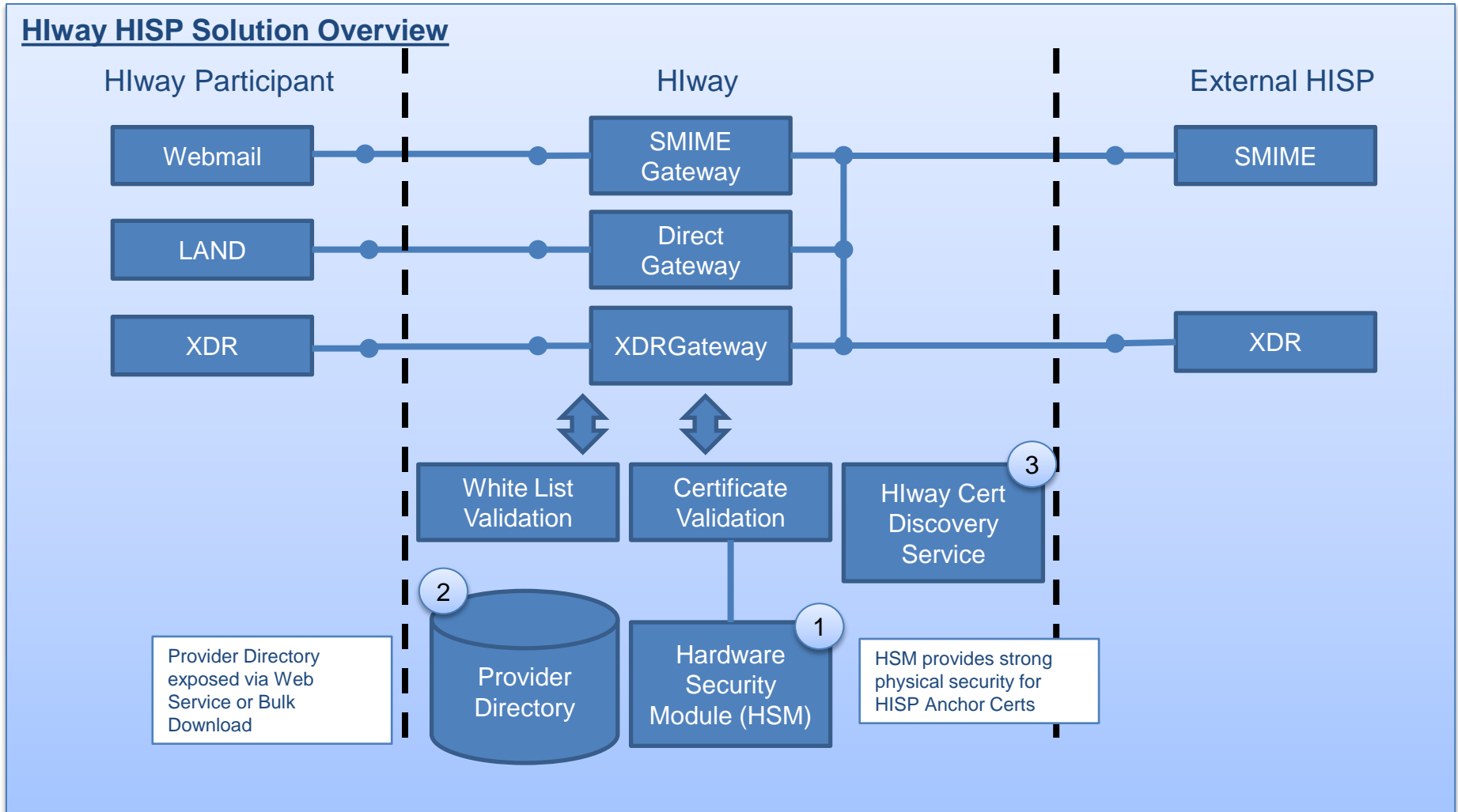
- Verifying participant identity;
- Issuing and maintaining Direct addresses;
- Issuing and managing security keys;, and
- Facilitating secure transport of health information

2. Hlway executes PA and BAA with Mass Hlway Participant

3. HISP executes/confirms BAA with Mass Hlway Participant

HISP to HISP Technical Approach

Hiway HISP Solution Overview



- 1) HISP exchanges Anchor Certs with Hiway
- 2) Provider White Lists are exchanged and On-Boarded
- 3) Messages are exchanged and decrypted with private key/certificate

HISP to HISP - Establishing Trust Community

Questions / Issues

- How will trust be instantiated among Mass Hlway and other HISPs?
- How can we ensure that other HISPs will trust the Mass Hlway?
- How will Hlway broker certificates with other HISPs and assure protection of Anchor Certificate?

Draft guidelines

1. **Mass Hlway will only connect with a HISP that mutually agrees to:**
 - a) Perform basic HISP functions in accordance with the Direct protocols including authenticating participants, issuing Direct addresses, managing security keys, and routing Direct messages
 - b) Execute BAAs with all participants for whom the HISP routes messages and protect privacy and security of PHI and PII in line with HIPAA
 - c) Protect anchor certificates
 - d) Limit use and users of provider directory in line with mutually agreed policies and procedures (under development)
 - e) Assure no interference or delay in message transmission and no alteration of message content
2. **Mass Hlway may execute a "HISP Agreement" with HISPs that can meet the criteria above**
3. **Mass Hlway will exchange anchor certificates with HISPs that are trusted and that have executed a HISP agreement with the Mass Hlway**

HISP to HISP – Privacy & Security obligations

Questions / Issues

- How will Mass Hlway ensure privacy and security of information transported in part by another HISP?



Draft guidelines

1. To ensure privacy and security of patient information, both Mass Hlway and the HISP will:
 - a) Comply with the provisions of the HIPAA Privacy and Security Rules as amended by the HITECH Act that are applicable to Business Associates (as defined by HIPAA) and comply with the provisions of the Massachusetts Privacy and Security Requirements applicable;
 - b) Have contractually binding agreements with their respective Participants/Members including all terms and conditions required in a Business Associate Agreement;
 - c) Each party represents and warrants that it will implement and continuously maintain technical and business policies sufficient to safeguard the other party's Anchor Certificates from unauthorized use.

HISP to HISP - Charging

Questions / Issues

- Will Hlway charge participants that come in under another HISP?
- Will Hlway charge HISPs or HISP members?

Draft guidelines

1. Mass Hlway will not charge other HISPs nor will Mass Hlway work with HISPs that charge the Mass Hlway.
2. Mass Hlway will not charge participants that use another HISP as their sole connection to the Mass Hlway.

(Note: There may be Participants that connect multiple ways. Joining directly and through a HISP does not exempt a Participant from fees).

Managing HISP-to-HISP-to-HISP

The Mass Hlway will not be able to broker message transport from Mass Hlway Participants that are in one non-Hlway HISP to Mass Hlway Participants that are in another non-Hlway HISP

1

Mass Hlway participant in **Mass Hlway HISP** –to- Mass Hlway participant in **eClinicalWorks HISP**

Medical.records@direct.noble.masshiway.net



Dr.example@direct.practicex.ecw.com

2

Mass Hlway participant in **Surescripts HISP** –to- Mass Hlway participant in **Mass Hlway HISP**

Dr.example@direct.practice.surescripts.com



Medical.records@direct.noble.masshiway.net

3

Mass Hlway participant in **Surescripts HISP** –to- Mass Hlway participant in **eClinicalWorks HISP**

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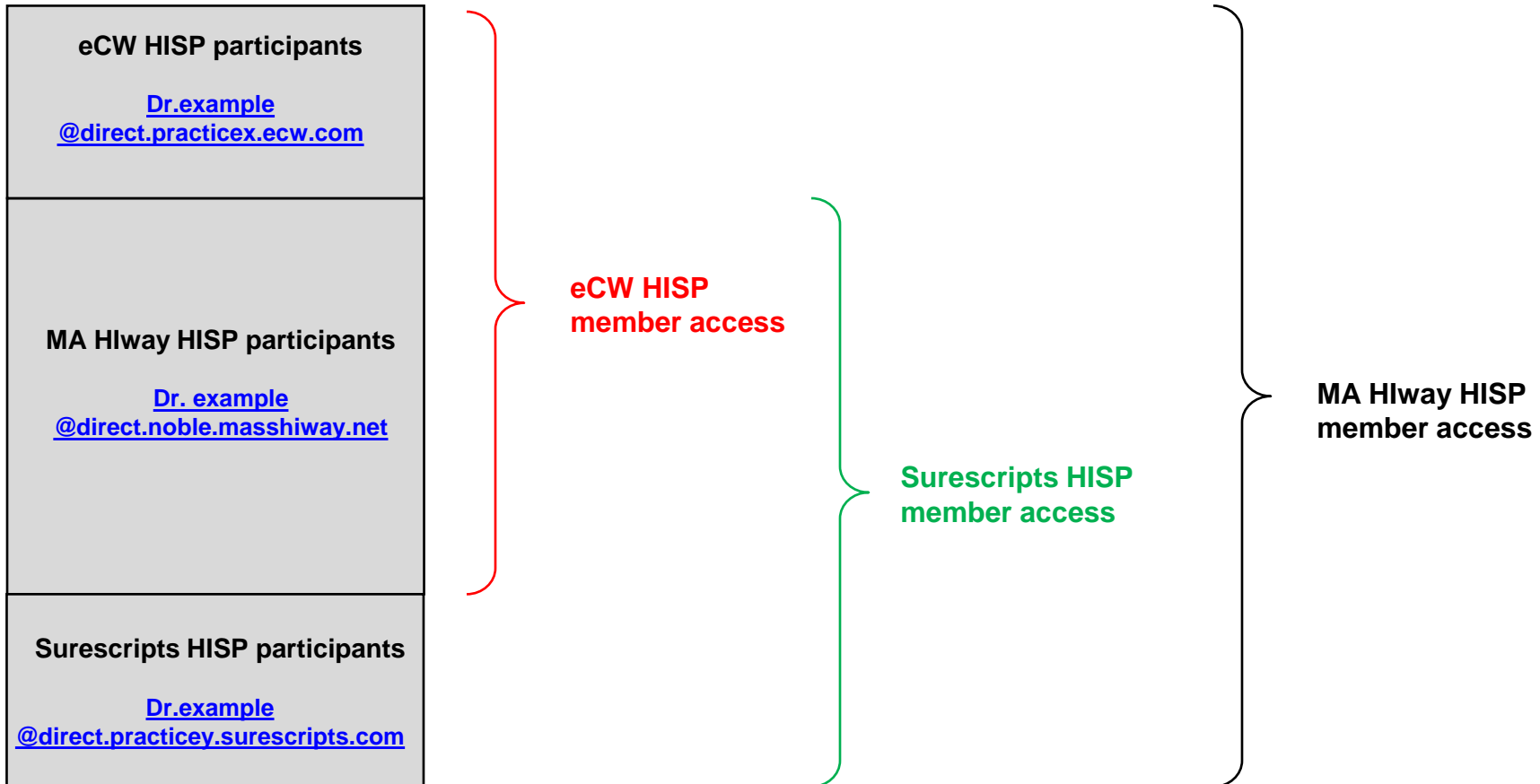


Dr.example@direct.practicex.ecw.com

MA Hlway not involved in transaction -- only feasible if eCW and Surescripts have trust relationship with each other

Provider Directory will have HISP-specific access

MA Hlway Provider Directory



HISP to HISP – Provider Directory

Questions / Issues

- How will Mass Hlway Provider Directory be presented to other HISPs?
- How will Mass Hlway provide participants with only addresses for which delivery is assured?



Draft guidelines

1. The Hlway Provider Directory may only be used by Hlway Participants. Service Provider shall limit access to the Hlway Provider Directory to Members.
2. The Hlway Provider Directory may only be used for purposes of exchanging information among Participants consistent with the requirements of the Participation Agreement. Service Provider shall not publicly make available, sell, or otherwise share the Hlway Provider Directory.

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- Meeting notes synthesized and provided back to Advisory Group for final comments
- Presentation materials and notes to be posted to EOHHS website
- Next Advisory Group Meeting – January 21, 2:30-4:00
 - Mass Medical Society – Suffolk conference room
 - Conference call (866) 951-1151 x. 8234356
- HIT Council –January 13, 3:30-5:00 One Ashburton Place, 21st Floor

HIT Council meeting schedule, presentations, and minutes may be found at <http://www.mass.gov/eohhs/gov/commissions-and-initiatives/masshway/hit-council-meetings.html>