

Health Information

Roadmap Gives Directions to Nationwide Health-Data Exchange

BNA Snapshot

- Government issues draft on nationwide health-data exchange
- Draft encourages health-data networks to link up and provide access to each other



By James Swann

Nationwide health-data exchange is a step closer, courtesy of a government draft laying out steps for linking health-care networks.

The draft Trusted Exchange Framework released Jan. 5 includes a set of principles for effective health-data exchange among networks that covers everything from data transparency to standardization. A 45-day public comment period will expire Feb. 18.

The intent of the trusted exchange framework is to build “a single on-ramp to interoperability,” Genevieve Morris, principal deputy at the Office of the National Coordinator (ONC) for Health Information Technology, said Jan. 5 on a media call. Interoperability, which refers to the seamless flow of electronic health-care data between data networks, has long been a top priority at the ONC.

Having a trusted exchange framework will allow a provider to join a single health-care data exchange network and have access to data from all other networks, Morris said.

The draft framework is definitely moving the health-care system closer to interoperability, Ellen Janos, a health-care attorney with Mintz, Levin, Cohn, Ferris, Glovsky and Popeo PC, in Washington, told Bloomberg Law Jan. 5.

Stakeholders, especially covered entities and business associates, will approve of coordination with the Health and Human Services Office for Civil Rights to ensure that the framework aligns with the Health Insurance Portability and Accountability Act, Janos said.

The HIPAA Privacy Rule applies to all covered entities and business associates participating in a health-data exchange network, and the draft framework doesn't contradict any HIPAA requirements.

The draft framework will cover all existing publicly funded regional health information exchanges, as well as private-sector data exchange networks such as CommonWell and Carequality, Donald Rucker, the ONC's national coordinator, said on the media call.

CommonWell Health Alliance is a nonprofit trade association working to build an interoperable health-data exchange network, while Carequality is a public-private initiative designed to link providers in a data-exchange network.

Long Journey

The health-care system has been on a long journey toward interoperability, and the question is how far this latest development takes the system, Kirk Nahra, a health-care attorney with Wiley Rein in Washington, told Bloomberg Law Jan. 5.

If the road to interoperability were equivalent to driving from Washington, D.C., to California, the draft framework wouldn't get health-care to Nevada, and maybe not even to the Midwest, Nahra, a Bloomberg Law advisory board member, said.

Having a trusted exchange framework is useful, Nahra said, but only if the underlying technology works, which is still a question. "This process is focused on the health information exchanges, but those are only a portion of the health-care system, and they are also entities that have struggled themselves over the past decade," Nahra said.

Patient Access

Improved patient access to health-care records is one of the main priorities of the trusted exchange framework, according to the ONC, along with population-level data exchange.

ONC, working in conjunction with a recognized coordinating entity (RCE), will put in place the principles, policies, and procedures contained in the draft framework.

The RCE, which has yet to be named, will use the draft framework to create a common agreement on interoperability that health information networks will agree to adopt.

Review and Planning

Providers, vendors, and payers participating in health-data exchange networks should make sure to review the draft framework as they engage in strategic planning for the future, Alisa Chestler, a health-care attorney with Baker, Donelson, Bearman, Caldwell & Berkowitz in Nashville, Tenn., told Bloomberg Law Jan. 5.

Organizations that don't focus on the draft framework before the comment period ends may be left behind, Chestler said.

"Once this document is finalized, organizations who cannot meet the framework may find themselves obsolete and left behind without a working platform or business model," Chestler said.

To contact the reporter on this story: James Swann in Washington at jswann1@bloomberglaw.com

To contact the editor responsible for this story: Kendra Casey Plank at kcasey@bloomberglaw.com