



## CONNECTING FOR HEALTH COMMON FRAMEWORK

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Resources for Implementing Private and  
Secure Health Information Exchange

# Model Contract for Health Information Exchange

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# Model Contract for Health Information Exchange

- Model Contract
  - Introduction
  - Structure overview
  - Definitions
- Purpose of Model SNO Terms and Conditions
  - To assist SNOs prepare their own Terms and Conditions
  - 60-40 solution
  - Identify issues and alternatives
  - Raise questions

# Model Contract: Essential Components

- Incorporate applicable terms of Common Framework Policies and Procedures
- Provide specific terms that the individual SNO determines are appropriate for its unique needs
- Include mechanism for making and implementing changes

# Model Contract: Structural Considerations

- Manage resources in negotiating participation agreements
  - Standard terms that apply to all parties
  - Flexibility to negotiate unique agreements with specific parties
- Simplify process for negotiating agreements with large numbers of Participants
- Simplify process for making changes
- Define the role of stakeholders' representatives (*e.g.*, Management Committee) to assure simplified process is reasonable

# Model Contract:

## Issues for Local Decision-Making

- Nature and scope of SNO's system (*i.e.*, technology) and services
- Selection of Participants
- Responsibility for certification and supervision of individual Authorized Users; security measures
- Nature and scope of Participants' rights to use data obtained through the Network; permitted and prohibited uses
- Nature and scope of Participants' obligations to provide data

# Model Contract: Issues for Local Decision-Making

- Compliance with applicable agreements, *e.g.*, vendor agreements, software licenses, etc.
- Operational issues
  - Measures required to protect Network,
  - Responsibility for training and support, etc
  - Others
- Reporting obligations
- Compliance with applicable laws
  - Privacy and security (HIPAA); parties' obligations to report breaches
  - State and local laws

# Model Contract: Issues for Local Decision-Making

- Services and/or technology provided by SNO, Participant, others
- Economics
  - SNO system and services
  - NHIN
  - Participants
- Preservation of intellectual property rights
- Liability, Warranties and Indemnification
- Parties' roles as business associates of other Participants
- Parties' rights regarding termination