

**APPENDIX A.
OVERVIEW OF DOCUMENTS LIBRARY OF DATA SHARING
AGREEMENTS**



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March 2, 2009

VIA E-MAIL AND U.S. MAIL

RTI International
Attn: Ariana Napier
225 West 71st St, #82
New York, NY 10023

Re: HISPC Interorganizational Agreements Collaborative Deliverable

Ladies and Gentlemen:

On behalf of the HISPC Interorganizational Agreements Collaborative ("IOA"), and at your request, we are submitting this updated letter regarding the first deliverable of the IOA, a "Documents Library" of Data Share Agreements (DSAs). This letter includes details regarding the review process and availability of the DSAs IOA compiled. IOA received a total of 48 DSAs to review as part of compiling a Documents Library of Data Share Agreements for this deliverable. Of these 48, 43 DSAs were reviewed and analyzed. Forty are publically available and included in the Documents Library and 3 proprietary documents are not included in the Library (de-identified provision language is used in IOA work products). IOA received an additional 5 DSAs after the submission deadline, which were reviewed but not included in the analysis. These additional DSAs are included in the Documents Library.

IOA reviewed and analyzed the following publically available DSAs. These Agreements are included in the IOA Documents Library of Data Share Agreements.

- 1) All Women Count! Participating Clinic Agreement. This agreement is a form agreement, provided by the named program within the South Dakota Department of Health, between a state agency and a clinic participant to participate in screening exams.
- 2) Fundamentals of the Electronic Medical Record. This is a PowerPoint presentation developed for the American Health Lawyers Association.
- 3) The Indiana Network for Patient Care: a Case Study of a Successful Healthcare Data Sharing Agreement. This whitepaper, authored by Sears, Prescott and McDonald, describes the creation and evolution of the Indiana Network for Patient Care and analyzes the agreement listed in item 35) below.
- 4) "Getting Connected with caBIG" Data Sharing and Security Framework from the Cancer Biomedical Informatics Grid of the National Cancer Institute.
- 5) HISPC Communications Plan for the State of Alaska. This document is self-explanatory.
- 6) Alaska Chartlink Form Identification and Authorization Verification Policy and Procedure. This is a policy addressing identification and authorization for the

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RTI International

Ariana Napier

May 26, 2009

Page 2

- Alaska Chartlink, a statewide RHIO comprised of public and private providers and payers.
- 7) Alaska Chartlink Patient Participation Agreement. This document is an agreement to be entered into between individual patients and Alaska Chartlink.
 - 8) Alaska Chartlink Policies and Procedures for Addressing Breaches of Confidentiality. As shown by its title, this is a policy of Alaska Chartlink for the protection of health information and to address breaches.
 - 9) Alaska Chartlink Privacy and Confidentiality Policy. This is another policy of Alaska Chartlink that specifically addresses privacy of protected health information.
 - 10) Alaska Chartlink Provider Participant Agreement. This is a form agreement to be executed between individual providers and Alaska Chartlink.
 - 11) Agreement between the Gila River Indian Community and the Arizona Department of Health Services. This document, posted on the CDC website, provides for the exchange of clinical and public health information between the parties.
 - 12) Introduction to the Laws Governing Formation of Cross-Border Agreements by the States and Generic Public Health Annex. This draft briefing paper was prepared by the employees of the Association of State and Territorial Health Officials and addresses agreements with entities outside the United States.
 - 13) Data Use Agreement. This is a form agreement used by CMS and those users to whom it discloses data files.
 - 14) Biosurveillance Data Use Agreement Limited Edata Sets for System Testing. This document is an agreement created by John R. Christiansen, Christiansen IT Law, in Seattle, WA., for researchers and data providers regarding a biosurveillance program.
 - 15) caBIG DSIC WS Datasharing Framework. This is a visual description of a sharing framework to be utilized to evaluate the sensitivity of data to be shared and identifying conditions, limitations and restrictions on such sharing of data from the Cancer Biomedical Informatics Grid of the National Cancer Institute.
 - 16) caBIG Datasharing Plan Content Guideline. This document sets out information about the sharing of data within the Cancer Biomedical Informatics Grid of the National Cancer Institute.
 - 17) Health Information Institute Insurance Company Information Reporting Agreement. This document is a form agreement of The Health Information Institute, a Washington corporation, to be entered into between The Health Information Institute, which serves as an HIE, and individual insurance companies.
 - 18) Health Information Institute Provider Financial Responsibility Agreement. This is a form agreement to be entered into between the Health Information Institute and an entity for access to childhood immunization information



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- contained in a relevant immunization registry and tracking system for the access to such information by individual providers.
- 19) Health Information Institute Healthcare Provider Information Sharing Agreement. This is a form agreement between the Health Information Institute and individual providers (as opposed to larger entities), but which may include professional corporations or other entities that employ providers, for the sharing of information within the HIE.
 - 20) Health Information Institute Individual Healthcare Provider Information Sharing Agreement. This document is a form agreement to be entered into between the Health Information Institute and individuals (but not entities) who are licensed to provide healthcare. The agreement is for the sharing of data within the HIE.
 - 21) Oklahoma State Department of Health (OSDH)/Oklahoma State Immunization System (OSIIS) Facility Authorization Request.
 - 22) Public Health Data Sharing Agreement. This is a form agreement for the sharing of public health-related data to be entered into among the Michigan Department of Community Health, Minnesota Department of Health, New York State Department of Health, Province of Ontario and the Wisconsin Department of Health and Family Services.
 - 23) Template for a Comprehensive Health Care Information Protection Agreement Between Business Associates. This is a template for agreements providing for the protection of health information in the course of electronic transactions among healthcare organizations. The template was originally presented by the Health Key Collaborative; principal author, John R. Christiansen.
 - 24) Health Information Exchange Data User Agreement. This form agreement is to be entered into between a data user and a network for a data user to have privileges within a health information exchange. **The document does not contain identifying information as it was provided confidentially and anonymously.**
 - 25) Health Information Exchange Hospital Agreement. This is a form health information exchange agreement between a network and a hospital for the hospital to participate in the health information exchange. **This agreement also was provided by an anonymous source.**
 - 26) Health Information Exchange Policies and Procedures. This document contains form policies and procedures to be utilized by an HIE. **The network is again anonymous.**
 - 27) IHE IT Infrastructure Technical Framework White Paper. Provided by ACC/HIMSS/RSNA, this document is a white paper addressing technical frameworks for a HIE infrastructure. A paper addresses issues to consider when planning the deployment of XDS Affinity Domains, defines the areas of the XDS and related Profiles to consider refining for XDS Affinity Domains, and provides a standardized document template to be used when specifying the deployment policies for a single XDS Affinity Domain or for multiple XDS Affinity Domains in a particular nation or geographic region.



RTI International

Ariana Napier

May 26, 2009

Page 4

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- 28) Oklahoma State Department of Health (OSDH)/Oklahoma State Immunization Information System (OSIIS) User Authorization Request.
 - 29) Iowa Immunization Registry Information System (IRIS). This is an agreement provided by the Iowa Department of Public Health to be executed by medical practices, HMOs, health departments, clinics and other entities wishing to participate in IRIS.
 - 30) Kids Immunization Database/Tracking System (KIDS) Registry Security and Confidentiality Agreement. This agreement of the Philadelphia Department of Public Health, Immunization Program is to be entered into with organizations such as healthcare entities or schools that are given access to a public health registry.
 - 31) Key Topics in a Model Contract for Health Information Exchange. This and next document are part of the Connecting for Health Common Framework, provided by the Markle Foundation, which address model terms and conditions for "sub-network organization" entities in order to provide information within an HIE.
 - 32) A Model Contract for Health Information Exchange. This and previous document are part of the Connecting for Health Common Framework, provided by the Markle Foundation, which address model terms and conditions for "sub-network organization" entities in order to provide information within an HIE.
 - 33) Draft Memorandum of Agreement Between the New Jersey Department of Health and Senior Services and New York City Department of Health and Mental Hygiene through the New York State Department of Health, Center for Community Health, Office of Health Systems for a Pilot Test of the New Jersey-New York City Health Datashare Project. This is a draft memorandum of agreement for the sharing of healthcare data between New Jersey and New York City.
 - 34) New Mexico Health Information Collaborative Subscription Agreement. This is an agreement to be entered into between the Loveless Clinic Foundation and participants within the collaborative. The agreement grants a nontransferable license to the participant for access and use of the software applications relating to the collaborative.
 - 35) Indiana Network for Patient Care Second Participants' Agreement. This revised agreement allows the participants in the Indiana Network for Patient Care to share information for purposes of emergency room and primary care as well as research purposes.
 - 36) Health Information Exchange Agreement. This agreement is a form health information exchange agreement drafted by the North Carolina Healthcare Information and Communication Alliance as part of its deliverables under the HISPC Project.
 - 37) State of South Dakota Memorandum of Understanding for the South Dakota Immunization Information System. This Memorandum of Understanding is a form agreement to be entered into between the State of South Dakota and an



- individual clinic for participation within the South Dakota Immunization Information System.
- 38) The Regents of the University of Michigan. This is a data use agreement between the Regents on behalf of the University of Michigan Health System and individual entities for access to a limited data set for purposes of research, public health, or operations.
- 39) Guidelines for US-Mexico Coordination on Epidemiologic Events of Mutual Interest. This document, posted on the CDC website, was produced by Core Group on Epidemiologic Surveillance and Information Sharing Health Working Group, US-Mexico Binational Commission.
- 40) Research Agreement between Iowa Department of Public Health and _____. This is a form agreement utilized by the Iowa Department of Public Health and individual researchers whereby the Iowa Department of Public Health agrees to release to the researcher vital statistic records requested in the application of the researcher. The researcher then agrees to use such records for bona fide research purposes.

IOA reviewed and analyzed the following proprietary DSAs. Due to the proprietary status, these Agreements are not included in the IOA Documents Library of Data Share Agreements.

- 41) Colorado Regional Health Information Organization Participant Registration Agreement. This agreement is to be entered into between Colorado Regional Health Information Organization and Kaiser Foundation Hospitals. The agreement registers the Kaiser Foundation Hospitals as participants within the Colorado Regional Health Information Organization.
- 42) Data Use and Reciprocal Support Agreement (DURSA June 2008 version). This agreement is the most current draft of which we are aware for the participants within the NHIN as drafted by the DURSA group for the exchange of TEST data only. This version of the DURSA was not yet approved for public sharing.
- 43) Colorado Regional Health Information Organization Participant Registration Agreement. This is an agreement entered into between the Colorado Regional Health Information Organization and the Children's Hospital Association for the Children's Hospital Association to be a participant within the Colorado Regional Health Information Organization. This agreement appears to be somewhat different than the Colorado Regional Health Information Organization Agreement entered into with the Kaiser Foundation Hospitals.

IOA received the following publically available DSAs after the submission deadline. These agreements were reviewed, but not included in IOA's analysis. These agreements are included in the IOA Documents Library of Data Share Agreements.



RTI International
Ariana Napier
May 26, 2009
Page 6

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- 44) All Women Count! Participating Hospital Agreement. This agreement is a form agreement, provided by the named program within the South Dakota Department of Health, between a state agency and a hospital participant.
 - 45) Business Associate Addendum. This document contains a template for business associate addendums to HIE agreements. The network is again anonymous.
 - 46) Amended and Restated Clinical Outcomes Assessment Program Healthcare Provider Information Sharing Agreement. This is a form agreement between the Foundation for Healthcare Quality, which collects and analyzes cardiac care clinical outcomes information, and participants within the clinical outcomes assessment program cardiac registry. The agreement allows such participants to share information within the registry.
 - 47) Data Use and Reciprocal Support Agreement (DURSA). This agreement is the executable test data DURSA developed for participants in the NHIN dated 8/27/08. This version of the DURSA is approved for public sharing.
 - 48) HIE Developer Corporation Information Exchange Infrastructure Development Agreement. This is a template for agreements pertaining to HIE technology infrastructure development. The agreement was prepared by John R. Christiansen.

Please let me and/or the co-chairs of the IOA know should you have any questions or comments or if we may be of further assistance with regard to this deliverable.

Very truly yours,

Roy H. Wyman, Jr.

RHW/jd

cc: HISPC IOA Collaborative