

## Operating Policy and Procedure

**Subject: Change Process-Performance and Service Specifications**~~SUBJECT: CHANGE PROCESS – PERFORMANCE AND SERVICE SPECIFICATIONS~~

**STATUS: FINAL – Approved by CC**

~~POLICY~~ **Policy #:** OPP-4

**Effective Date:** 07/13/13

**Version:** 3.0

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### **I. Purpose**

The Coordinating Committee has responsibility for developing, maintaining, repealing, amending and retaining Performance and Service Specifications. The purpose of this policy is to set forth the procedure by which the Coordinating Committee will fulfill these responsibilities.

### **II. Policy**

The Coordinating Committee shall establish and maintain reasonable Performance and Service Specifications. Performance and Service Specifications are those documents that describe the expectations and requirements for the management, operation, and participation in the eHealth Exchange. As may become necessary for the proper functioning of the eHealth Exchange, the Coordinating Committee may establish a new Performance and Service Specification, or it may amend, repeal, and/or replace any existing Performance and Service Specifications, consistent with this policy and the DURSA.

### **III. Procedure:**

#### **A. A-** Retention, Maintenance and Dissemination of Performance and Service Specifications

All Performance and Service Specifications shall be maintained in an accessible electronic and printable format. The Coordinating Committee designates Healthway, Inc. (d/b/a/ “The ~~EHealth~~ eHealth Exchange” and its “eHealth Exchange support staff”) to maintain the Performance and Service Specifications in a location that is accessible to all Participants, Members of the Coordinating Committee, and any other stakeholders that the Coordinating Committee determines require access.

All current Performance and Service Specifications as well as originals of all amended, repealed and replaced Performance and Service Specifications shall be maintained for the duration of their usefulness as determined by the Coordinating Committee.

#### **B. B-** Submission of Proposed New, Amended, Repealed, or Replaced Performance and Service Specifications

Any Participant may submit in writing to the Coordinating Committee a request for the development of a new Performance and Service Specification, or a request for the amendment or repeal of an existing Performance and Service Specification. Any Member of the Coordinating Committee may also bring forth any concern or question regarding

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Performance and Service Specifications. All such requests shall identify (i) the Performance and Service Specification that is the subject of the requested change (if any), (ii) the type of Performance and Service Specification sought (if it is a development request), (iii) a thorough description of why the request is necessary, and (iv) an analysis of the expected impact of adopting the new Performance and Service Specification or modifying/repealing an existing Performance and Service Specification.

### **C. C. Consideration of Proposed New, Amended, Repealed, or Replaced Performance and Service Specifications**

- ~~1. Except as otherwise provided in the DURSA, the Coordinating Committee will consider any requests that meet the submission criteria set forth above at its next regularly scheduled meeting following receipt of such request. The Coordinating Committee will:~~
    - ~~a. Prioritize requests;~~
    - ~~b. Consider the merits of the request, as well as the impact to Participants, Participant Users and Individuals; and~~
    - ~~c. Communicate actions taken with requestor.~~
  1. Except as otherwise provided in the DURSA, the Coordinating Committee will consider any requests that meet the submission criteria set forth above at its next regularly scheduled meeting following receipt of such request. The Coordinating Committee will:
    - a. Prioritize requests;
    - b. Consider the merits of the request, as well as the impact to Participants, Participant Users and Individuals; and
    - c. Communicate actions taken with requestor.
  - ~~2.~~
  - ~~2. Participant Comment Period. Prior to approving any new, amended, repealed or replaced Performance and Service Specification, the Coordinating Committee shall solicit and consider comments from the Participants on the new, amended, repealed replaced Performance and Service Specification.~~
  - ~~2. Participant Comment Period. Prior to approving any new, amended, repealed or replaced Performance and Service Specification, the Coordinating Committee shall solicit and consider comments from the Participants on the new, amended, repealed or replaced Performance and Service Specification.~~
- To promote openness and transparency, the Coordinating Committee may post proposed changes to the Performance and Service Specifications to a publicly accessible location.
3. Objection Period. Following the Coordinating Committee's approval of the new, amended, repealed or replaced Performance and Service Specification, the Participants shall be given thirty (30) calendar days to review the approved Performance and Service

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Specification and register an objection if the Participant believes the new, amended, repealed or replaced Performance and Service Specification will have a significant adverse operational or financial impact on the Participant. Such objection shall be submitted to the Coordinating Committee and contain a summary of the Participant's reasons for the objection.

### **D. ~~D.~~ Approval of Changes to the Performance and Service Specifications**

1. Less Than One-Third of Participants Object. If the Coordinating Committee receives objections from less than one-third of the Participants during the thirty (30) calendar day objection period, the new, amended, repealed or replaced Performance and Service Specification shall go into effect as approved by the Coordinating Committee and on the date identified by the Coordinating Committee, unless the Coordinating Committee withdraws the new, amended, repealed or replaced Performance and Service Specification prior to such date. Consistent with Section 11.03(d), the effective date identified by the Coordinating Committee may not be any earlier than the end of the thirty (30) day calendar objection period.
2. More Than One-Third of Participants Object. If the Coordinating Committee receives objections from one-third or more of the Participants during such thirty (30) calendar day period, the Coordinating Committee shall review the new, amended, repealed or replaced Performance and Service Specification in light of the objections and make a determination as to how to modify the new, amended, repealed or replaced Performance and Service Specification, if at all. Once the Coordinating Committee finalizes its determination, it shall communicate this determination to the Participants and seek their approval. At least two-thirds of the Non-Governmental Participants and at least two-thirds of the Governmental Participants must approve the new, amended, repealed or replaced Performance and Service Specification for them to become effective.

### **E. ~~E.~~ Implementation**

1. The Coordinating Committee shall provide Notice of new, amended, repealed or replaced Performance and Service Specification at least thirty (30) calendar days prior to the effective date of such new, amended, repealed or replaced Performance and Service Specification. This thirty (30) calendar day period may run concurrently with the thirty (30) calendar day objection period.
2. Within fifteen (15) calendar days of receiving Notice of the new, amended, repealed or replaced Performance and Service Specification, a Participant may request that the Coordinating Committee delay implementation of such the new, amended, repealed or replaced Performance and Service Specification based on good cause.

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3. The Coordinating Committee shall respond to a request to delay implementation within seven (7) calendar days of receiving the request.

### **F. F-Implementation**

- ~~1.~~ Participant Duty to Terminate Participation. If, as a result of a change made by the Coordinating Committee in accordance with the Performance and Service Specification Change Process, a Participant will not be able to comply with the
1. Performance and Service Specifications or does not otherwise desire to continue to Transact Message Content with other Participants after such change becomes effective, then such Participant shall terminate their Agreement in accordance with OPP #3 – Participation – Changes, Suspension, Termination, and DURSA Section 19.02 – Suspension and Termination by Participant.

### **IV. Definitions**

**DURSA:** Data Use and Reciprocal Support Agreement

All other capitalized terms, if not defined herein shall have the same meaning as set forth in the DURSA.

### **V. References:**

“Restatement II of the Data Use and Reciprocal Support Agreement (DURSA)”, Version Date: August 13, 2019

- Section 11.03, Operating Policies and Procedures Change Process

~~Restatement (First) of the Data Use and Reciprocal Support Agreement (DURSA) § 11.03 (2011).~~

### **VI. Related Policies and Procedures:**

- ~~OPP #3:~~ Participation – Changes, Suspension, Termination ~~OPP~~
- ~~OPP #6:~~ Information Handling

### **VII. Version History:**

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	<u>Date</u>	<u>Author</u>	<u>Comment</u>
<u>1</u>	<u>6/20/09</u>	<u>Randall E. Sermons</u>	<u>Original</u>
<u>2</u>	<u>6/23/09</u>	<u>Randall E. Sermons</u>	<u>Per discussions with Mariann Yeager, Steve Gravely and Erin Whaley; Delete provisions regarding the appointment of authors of policies. Delete references to the Operating Procedures. Renumber provisions. Make information collection activities more informal.</u>
<u>3</u>	<u>11/20/09</u>	<u>Steve Gravely</u>	<u>Revisions for Policy Team call on 11/24/09 and Erin Whaley</u>
<u>4</u>	<u>12/23/09</u>	<u>Steve Gravely and Erin Whaley</u>	<u>Modified heading to reflect approval during 12/17/09 CC call</u>
<u>5</u>	<u>5/17/10</u>	<u>OPP Task Group</u>	<u>Modified to be more consistent with CC OPP 8 (the DURSA Amendment process)</u>
<u>6</u>	<u>5/20/10</u>	<u>Vernette Roberts</u>	<u>Modified heading to reflect approval during 5/20/10 CC call</u>
<u>7</u>	<u>5/15/13</u>	<u>Mariann Yeager &amp; Jennifer Rosas</u>	<u>OPP 4 was completely rewritten to reflect amended DURSA</u>
<u>8</u>	<u>8/12/16</u>	<u>Theresa Wiebold</u>	<u>Administrative updates to remove references to Healthway</u>
<u>9</u>	<u>2/2020</u>	<u>Jay Nakashima</u>	<u>Updated language to reflect newest DURSA amendment changes; Updated formatting for consistency and readability</u>

**Date Author Comment**

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- ~~1 6/20/09 Randall E. Original. Sermons~~
  - ~~2 6/23/09 Randall E. Per discussions with Mariann Yeager, Steve Gravely and Erin Sermons Whaley; Delete provisions regarding the appointment of authors of policies. Delete references to the Operating Procedures. Renumber provisions. Make information collection activities more informal.~~
  - ~~3 11/20/09 Steve Gravely Revisions for Policy Team call on 11/24/09 and Erin Whaley~~
  - ~~4 12/23/09 Erin Whaley and Steve Gravely Modified heading to reflect approval during 12/17/09 CC call.~~
  - ~~5 5/17/10 OP&P Task Modified to be more consistent with CC OP&P 8 (the DURSA Group Amendment process)~~
  - ~~6 5/20/10 Vernette Roberts Modified heading to reflect approval during 5/20/10 CC call.~~
  - ~~7 05/15/13 Mariann Yeager, OPP 4 was completely rewritten to reflect amended DURSA Jennifer Rosas~~
  - ~~8 08/12/2016 Theresa Wiebold Administrative updates to remove references to Healthway~~