

Request for Proposal
Health Information Exchange Community Oversight Organization
March 19, 2010

I. INTRODUCTION

OneHealthPort is serving as Washington State's lead organization for Health Information Exchange (HIE). With oversight from the Health Care Authority (HCA) we are working with stakeholders to address the requirements of Substitute Senate Bill (SSB) 5501, capitalize on the HIE funding available through the federal HITECH Act and meet the requirements of the market. SSB 5501 is focused on accelerating the exchange of high value health information. The state-wide HIE project funded in part through HITECH is focused on the creation of a coordinated state-wide HIE. The market is seeking a modest, scalable HIE that meets shared needs and can evolve over time.

Recently, we completed a high-level requirements definition process and identified a preferred HIE governance model along with priorities for shared HIE services. Guided by these findings, the initial focus of the shared state-wide HIE will be development of:

- A Hub for secure exchange of HL7 and EDI messages
- A Record Locator Service and Master Person Index
- A provider directory
- Common policies, standards and a contractual framework

It was also determined that data transformation will initially occur at the participating enterprises, not centrally and that initial data priorities will be determined by a critical mass of early adopters. We expect organizations will move at different rates in different ways to adopt these HIE components in order to meet their unique needs.

Our next step on the governance track is to solicit qualified not-for-profit organizations who are interested in serving as the HIE Community Oversight Organization (Oversight Organization). Our purpose in preparing this Request for Proposal (RFP) is to share with you our expectations, assess your qualifications and understand the approach you propose to take if you are selected as the Oversight Organization. If your organization is interested in submitting a response, we encourage you to study this RFP closely and ask questions in order to ensure your response is timely and complete. Thank you for taking the time to consider our request.

II. GOVERNANCE MODEL

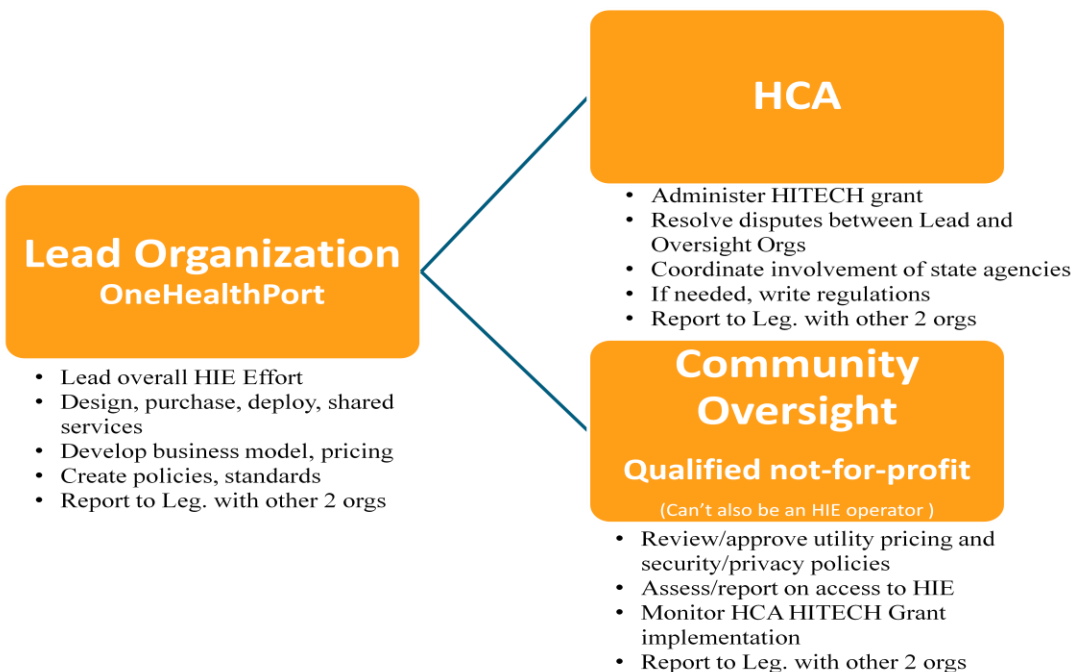
During the HIE requirements validation process participants identified a number of important business requirements for the HIE governance model including:

- The ability to take business risk, deliver services, meet customer needs
- The need to be representative of multiple constituencies involved with HIE
- A preference for private sector leadership with public sector involvement
- The capability to ramp up quickly in the initial phase and evolve as needed over time

In addition to community feedback, our approach to HIE governance was heavily influenced by the practical realities of the current environment. Realistically, there is no opportunity to pass state legislation related to HIE governance in the 2010 session, and no guarantee of any new legislation in future sessions. There appears to be little interest in establishing new public sector Boards and Commissions, quite the contrary, the bias is to sunset some that exist today. Accordingly, the initial HIE governance solution is going to have to be built upon the foundation of the current lead organization/HCA model as specified in SSB 5501.

The collective input of the community was that an ideal governance model would facilitate the participation of state government, enable broad-based community oversight and support the efficient delivery and operation of shared HIE services. A blended model appears to be the most viable way to satisfy the broad spectrum of needs expressed by the community in the context of the lead organization model. In further discussions with the HCA and community stakeholders, the blended model described in EXHBIT I was established as the preferred approach to HIE Governance in Washington State.

EXHBIT I – Blended HIE Governance Model



In this model the Lead Organization, OneHealthPort, has responsibility for leadership and operations. The HCA administers the federal HITECH grant and resolves disputes between the Lead Organization and the Community Oversight Organization. The Oversight Organization oversees and provides independent review of the Lead Organization's work. This RFP is targeted at entities interested in serving as the Oversight Organization. Specific responsibilities and qualifications for the Community Oversight Organization are described in the following section.

III. RESPONSIBILITIES AND QUALIFICATIONS OF THE OVERSIGHT ORGANIZATION

Qualifications for the Oversight Organization we are seeking include the following:

- A 501 c-3 or c-6 not-for-profit organization
- Financial stability with demonstrated capability to support its ongoing existence over the long term, separate from the costs and fees derived from service as the Oversight Organization
- A diverse and representative governance structure
- At least some familiarity with HIE, more experience and expertise is desirable
- It is not required that the organization be headquartered in Washington, however the organization must have a presence in the state, familiarity with the Washington State health care system is required
- Demonstrated ability to fulfill the responsibilities identified in the following section
- Because of its oversight role, and to avoid conflicts of interest, it is important that the Oversight Organization not in any way operate or be responsible for systems, data bases or other such products and services that are intended to generate revenue through use of the state-wide HIE

Responsibilities of the Oversight Organization include the following:

1. Constitute a community body to guide the work of the HIE Oversight Organization.
 - a. The Oversight Organization will establish a Body to guide its oversight work. The organization may use its existing Board or other existing Body for this purpose as long as it meets the requirements listed below. Or, it may create a new Body.
 - b. The Body will review and take final action on all deliverables listed in items (2) – (6) below. Staff and contractors used by the Oversight Organization to execute the deliverables will be accountable to the Body for the recommendations they develop.
 - c. The intent of the oversight process is that it will be guided by participants engaged in HIE. Therefore, over 50% of the voting members on the Body must represent organizations/individuals that use and pay for services from the state-wide HIE.
 - d. The Body should represent a diverse mix of the community stakeholders who use and are impacted by the state-wide HIE. In addition to the requirement listed in (c) above, the Oversight Organization must list in their response to this RFP their recommended approach to constituting the guiding body along these lines. It is not necessary to identify individuals in the RFP response, type/categories of constituents is sufficient. If the responding organization intends to use an existing Body, please include a list of the current members.
 - e. The Office of the National Coordinator (ONC), the governing agency for HITECH, is interested not only in HIE within Washington State but in inter-state HIE. It is not required to have representatives from neighboring states on the Body. However, in your submission please comment on how you might incorporate input from stakeholders in neighboring states.
 - f. The responding organization should identify any potential conflicts of interest it anticipates relative to the Lead Organization, the HCA or otherwise in conducting its work and constituting a representative Body. Potential conflicts will be discussed between the Lead Organization, the HCA and the Oversight Organization. If the three organizations cannot mutually agree on resolution of any potential conflicts, the HCA will make the final determination.

2. Review and approve the pricing model for all HIE Utility Services offered by the Lead Organization.
 - a. HIE Utility Services are defined as those HIE services assumed to be unique to the Lead Organization and offered by the entity in the context of its Lead Organization role.
 - b. The Lead Organization and the HCA will agree in advance on which services will be classified as HIE Utility Services.
 - c. The Lead Organization will submit the pricing model for all HIE Utility Services to the Oversight Organization. The Oversight Organization will then have 60 days to review and act on the pricing model. After it concludes its review the Oversight Organization will either approve the submission or recommend revisions to it. If the Oversight Organization approves, the Lead Organization will proceed to market. If the Oversight Organization recommends revisions, the Lead Organization and Oversight Organization will work together to satisfactorily address any differences within 30 days. If the two organizations resolve the issues, the Lead Organization will go to market with the pricing model as agreed. If the two organizations cannot agree, the dispute will be forwarded to the HCA for resolution within 30 days.
 - i. Pricing review criteria for the Oversight Organization are still under development. However, it's likely the criteria will require the pricing model to:
 - Sustain the costs of operating the HIE
 - Be affordable for participants
 - Be fair and equitable across participants
 - Provide a fair return to the service providers
 - d. The Oversight Organization will review and act on all substantive modifications in HIE Utility Service pricing and may at its discretion, periodically review the pricing model up to once every 24 months, even if prices have not changed during this period.
 - e. The Lead Organization will provide all reasonable information and assistance to the Oversight Organization to facilitate its review. The Oversight Organization will publish the results of its assessment on the HCA's website.

3. Review and approve Common Security and Privacy Policies (Policies) adopted by the Lead Organization for the state-wide HIE.
 - a. Common Security and Privacy Policies are those policies developed by the Lead Organization related to the privacy and/or security of information exchanged through the state-wide HIE that are required to be adopted and used by HIE participants.
 - b. The Lead Organization and the HCA will agree in advance on which policies will be classified as Common Security and Privacy Policies.
 - c. The Lead Organization will submit the Policies to the Oversight Organization. The Oversight Organization will then have 60 days to review and act on the Policies. After it concludes its review the Oversight Organization will either approve or recommend amendments to the Policies. If the Oversight Organization approves, the Lead Organization will proceed to market. If the Oversight Organization recommends amendments to the Policies, the Lead Organization and Oversight Organization will work together to satisfactorily address any differences within 30 days. If the two organizations resolve the issue, the Lead Organization will go to market with the Policies as agreed. If the two organizations cannot agree, the dispute will be forwarded to HCA for resolution within 30 days.

- i. Security and Privacy Policy review criteria for the Oversight Organization are still under development. However, it's likely the criteria will require the Policies to:
 - Comply with state and federal law
 - Protect health information privacy
 - Move the industry toward best security practices
 - Be feasible and affordable to implement
 - d. The Oversight Organization will assess and act on all substantive modifications to the Policies and may, at its discretion, periodically review the Policies up to once every 24 months, even if Policies have not changed during this period.
 - e. The Lead Organization will provide all reasonable information and assistance to the Oversight Organization to facilitate its review. The Oversight Organization will publish the results of its assessment on the HCA's website.
4. Assess and report on the openness of access to the HIE.
 - a. The Oversight Organization shall, on a biennial basis review the openness of access to the state-wide HIE experienced by all participants including providers, payers and consumers.
 - b. The assessment will determine whether access is open to all parties on a reasonable, equitable and non-discriminatory basis. The assessment will determine whether access policies and procedures are being applied equally to all parties, describe any significant barriers to access, and take particular note if any discriminatory access practices or barriers are being imposed by the Lead Organization or any other party.
 - i. HIE access review criteria for the Oversight Organization are still under development. However, it's likely the criteria will require access policy to:
 - Facilitate usage for all interested parties complying with requirements
 - Apply to all equally on a non-discriminatory basis
 - Support both consumer and industry usage
 - c. If the review identifies practices that the Oversight Organization believes inappropriately restricts access or inappropriately benefits one user as compared to other users, the Oversight Organization may recommend action to address such concerns.
 - d. The Oversight Organization's review will be shared with the Lead Organization prior to its public release. The Lead Organization and Oversight Organization will work to mutually address any differences with the review. If the parties agree, the approved review will be forward to the HCA. If the parties cannot agree, the review will be forwarded to the HCA and the HCA will resolve the dispute. In either case the HCA will publish the resulting report on its website and require changes be made in access policies and practices if appropriate.
 - e. The Lead Organization will provide all reasonable information and assistance to the Oversight Organization to facilitate its assessment.

5. Monitor HCA's implementation of the HITECH grant.
 - a. On an annual basis, the Oversight Organization will review and report on HCA's administration of the HITECH grant for the state-wide HIE project.
 - b. The report will describe major accomplishments, issues, and opportunities.
 - c. The assessment will include a record of funds received and expenditures made and confirm that expenditures were in line with planned activities and budgets. This assessment is not meant to serve as a detailed financial audit or as a review of the HCA's accounting practices
 - d. The assessment from the Oversight Organization will be shared with HCA prior to its public release. HCA and the Oversight Organization will work to mutually address any disagreements with the assessment. If the parties agree, the approved assessment will be published on HCA's website. If the parties cannot agree, the HCA will publish a report containing the Oversight Organization's assessment and the HCA's comments.
 - e. HCA will provide all reasonable information and assistance to the Oversight Organization to facilitate its assessment. However, since the HCA will be audited by other agencies in the course of this work, the HCA will not be required to duplicate this audit work. The HCA may direct the Oversight Organization to review the findings of other agencies rather than seeking original source documents.

6. Report to the Legislature in conjunction with the HCA and the Lead Organization
 - a. The HCA, the Lead Organization and the Oversight Organization will together prepare a single annual report to the Legislature on the state-wide HIE. The Oversight Organization will prepare those sections of the report that fall within its scope of work.
 - b. Timelines and a process for compiling the report will be mutually determined and implemented by all three parties.
 - c. All three organizations will share their proposed language with each other prior to submission of the report to the Legislature. If there are any disagreements the parties will attempt to mutually resolve such disputes. However, each of the three organizations will ultimately have discretion on the final form of the sections they prepare for presentation to the Legislature.
 - d. The final report will be published on the HCA's website.

IV. FEES

The responding organization should propose a budget to accomplish the work identified in the prior section. The budget should:

- Assume a start date of 7/1/10
- Describe in detail costs incurred on an annual basis for four years from the start date
- Assume approximately six months from start date to first request for review of pricing or security/privacy policies
- List all assumptions and detail related to costs

Based on the submitted budget the responding organization should quote either a fixed annual fee for each year of the four-year period or a fixed flat fee for each deliverable listed under responsibilities. Open-ended, time and materials, or hourly pricing models are not acceptable.

V. PROCESS

OneHealthPort will lead this RFP process as a private sector procurement and execute the agreement with the Oversight Organization. However, the HCA will be involved throughout the course of the process. The HCA reviewed this RFP and will review all responses with OneHealthPort. The HCA will also consult with OneHealthPort on selection of the organization and HCA will monitor the contracting process.

Selection of the Oversight Organization will be based on four primary factors:

- The qualifications of the organization
- The feasibility and effectiveness of the organization's approach to fulfilling its responsibilities
- The organization's understanding of the local HIE environment and its intended role
- The reasonableness of the fees proposed by the organization

The timeline for this RFP process is as follows:

<u>Milestone</u>	<u>Date</u>
RFP issued:	3/22/10
RFP responses due to OneHealthPort:	4/12/10
Successful organization notified:	4/23/10
Term sheet executed between OneHealthPort and Oversight Organization:	5/14/10
Final contract executed between OneHealthPort and Oversight Organization:	6/30/10

Questions about this RFP and final responses should be directed to:

Rick Rubin, President & CEO of OneHealthPort
206-624-3128 x111
Rickr@onehealthport.com

Responses are due by 5:00 pm PST on 4/12/10. Responses should be submitted electronically as either a Word document or as a PDF.

It is the intent of OneHealthPort and HCA to select a qualified not-for-profit organization as the Oversight Organization. However, OneHealthPort and HCA reserve the right to determine that no qualified organization exists or that the approach proposed by qualified respondents does not align with expectations and/or requirements. If OneHealthPort and HCA do not select a qualified not-for-profit as the Oversight Organization, then HCA will assume responsibility for constituting a Community Oversight Body and executing the responsibilities of the Oversight Organization.

VI. CONCLUSION

To facilitate complete and timely submissions, interested organizations are encouraged to ask questions or seek clarification before submitting a final response. We appreciate your willingness to consider serving as the HIE Community Oversight Organization and we look forward to your response.

Sincerely yours

Richard D. Rubin
President & CEO

Cc: The HCA