

# Qualified Entity (QE) Participant Member Facing Services

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**AS DEVELOPED THROUGH THE NEW YORK STATEWIDE  
COLLABORATION PROCESS (SCP)**

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## Introduction

This document sets forth the minimum set of Participant Member Facing Services that QEs must implement and have available to all QE Participants. They include requirements for:

- legal and information sharing agreements,
- marketing and recruitment strategies,
- adoption of access to and use of the SHIN-NY core services,
- training for Participants and Authorized Users,
- user support services that focus on solving system access issues,
- a collaborative governance structure that supports Participant priorities,
- and development of value-added services.

The requirements set forth herein will be evaluated as part of the Certification Process by the Certification Body under contract with the State Designated Entity, under agreement and in conjunction with the New York State Department of Health (NYS DOH). All capitalized terms used and not defined herein shall have the respective meanings given to such terms in the *Privacy and Security Policies and Procedures for QEs and their Participants in New York State* (as amended from time-to-time, the "Policies and Procedures").

## **QE Participant Member Facing Services Definition**

A Participant means a Provider Organization, Payer Organization, Practitioner, Independent Practice Association, Accountable Care Organization, Public Health Agency, Organ Procurement Organization, Health Home, Health Home Member, PPS Partner, PPS Lead Organization, PPS Centralized Entity, Social Services Program, a Community-Based Organization, or Disaster Relief Agency that has directly or indirectly entered into a Participation Agreement with a QE and Accesses Protected Health Information via the SHIN-NY governed by a QE.

A QE Participant Member Facing Service is a service provided by the Qualified Entity to support its Participants. By adopting minimum core services that all QEs must offer, the SHIN-NY ensures the secure exchange of health information statewide and facilitates improved patient care.

# 1. Legal & Information Sharing Agreements

QEs must execute a written agreement ('Participant Agreement') with each of its Participants establishing that Participant's access to and use of the SHIN-NY. All such Participant Agreements shall include provisions as are required by applicable Law, QE NYS Contract or the SHIN-NY Statewide Policy Guidance and the provisions set forth in the Qualified Entity Participation Agreement (QEPA) Section 5: Terms of Access and Use.

## 1.1 QE Participant Agreements

As per the QEPA, QE Participant Agreements shall include at a minimum:

- (i) Obligation to indemnify QE for its negligent acts or omissions, subject to a cap of \$1,000,000.
- (ii) Obligation to indemnify QE for its intentional acts or omissions.
- (iii) Minimum insurance requirements as defined by QE for each QE Participant.
- (iv) Acknowledgement that data may be shared with other Participants of QE, Participants of other Qualified Entities of the SHIN-NY, and government agencies as per SHIN-NY Policies and Procedures § 1.2.2.
- (v) Obligation to provide information and/or allow audit to the extent necessary for QE to fulfill its reporting, audit and investigation obligations under the Agreement and the Statewide Policy Guidance Oversight and Enforcement Policies and Procedures.

## 1.2 QE Certification Requirements

QE certification requirements include:

- (i) Signed and dated Participant Agreement and/or other agreements (including but not limited to data use agreements, business associate agreements) for all QE Participants that include:
  - (a) the requirements for participation in the SHIN-NY in either a separate addendum to the Participant Agreement or within the provisions of the Participant Agreement, and
  - (b) the requirements for conformance to SHIN-NY *Privacy and Security Policies and Procedures for QEs and their Participants* as specified in the Participant Agreement.

## 1.3 QE Monitoring and Self-Audits

QEs shall ensure that an ongoing Monitoring/Self-Audit process includes:

- (i) Monitoring of state regulatory or policy changes or corporate changes in Participant status that would require a new or modified Participant Agreement.
- (ii) Monitoring of user access to ensure that:
  - (a) such authorized user is accessing the SHIN-NY through a QE Participant and such Participant has entered into a Participant Agreement with the QE, or
  - (b) that such authorized user is an employee or contractor of QE accessing the SHIN-NY in connection with the performance of the obligations of QE as outlined in the QEPA.

## **2. Patient and Provider Engagement and Education**

QEs will develop strategies and approaches to promote the benefits of participating in the SHIN-NY. Efforts should include provider and patient education programs to reflect changes in the SHIN-NY consent model. Education of consumers/patients related to consent and the privacy and security of health information in the SHIN-NY is required.

### **2.1 QE Patient and Provider Engagement and Education Requirements**

A QE must have an Engagement and Education plan that aims to:

- (i) Enhance provider and patient understanding of consent process.

### **2.2 QE Certification Requirements**

QE Certification Requirements include:

- (i) Having in place a QE Engagement and Education Plan
- (ii) Conformance of QE Engagement and Education Plan to the following standards:
  - (a) Describes the QE approach to promoting education of patients and providers.
  - (b) Includes communication and education strategies for both providers and consumers that are designed to foster trust and use of the SHIN-NY.
  - (c) Promotes an open process that is broadly inclusive of the health care community to be served and is not limited to entities that have a contractual relationship with a Participant in the QE.

### **2.3 QE Monitoring and Self-Audits**

QEs shall ensure that an ongoing Monitoring/Self-Audit process includes:

- (i) Self-audits that track performance against measures established in the QE Engagement and Education Plan.

### 3. Participant Adoption of Access and Use Support Services

Participant adoption of access and use support services aim to provide QE Participants with tools that help improve the access to, and use of, the minimum core services and also includes Master Patient Index (MPI) management that aims to improve patient matching as a function of document-retrieval query.

#### 3.1 Adoption of Access and Use Support Services Requirements

QE service must support:

- (i) Access to required minimum core services via QE interoperability services with Participants.
- (ii) MPI maintenance to improve patient matching.
- (iii) Interface connectivity to the QE.

#### 3.2 QE Certification Requirements

QE Certification Requirements include:

- (i) QEs must have a ***Participant Adoption of Access and Use Support Services Plan*** that:
  - (a) Establishes metrics for QE Participant access and use of Minimum Core Services.
  - (b) Includes a description of the support services for each of the Core Services.
  - (c) Includes examples of reports or other tools that are made available for better MPI management.
  - (d) Verifies the number of Participants using each service offered against actual vs. planned as per the ***Participant Adoption of Access and Use Support Services Plan***.

#### 3.3 QE Monitoring and Self-Audits

QEs shall ensure that an ongoing Monitoring/Self-Audit process includes:

- (i) Self-audit that includes regular reporting and trending analysis of access to and usage of the minimum core services to the QE governance body (e.g., Board of Directors) and as part of NYS DOH performance-based contract reporting.



## **4. Access to the SHIN-NY Through a QE by Participant Authorized User Training**

Training and education are required for all Authorized Users of the QE prior to granting access to the SHIN-NY. Such training is required for all new Participants and their Authorized Users as well as annually as a refresher and/or as needed based on any policy or procedures changes.

### **4.1 Access to the SHIN-NY Through a QE by Participant Authorized User Training Requirements**

Training shall include but may not be limited to:

- (i) System integration, navigation, policies such as authentication and authorization as well as the appropriate use for role-based access.

### **4.2 QE Certification Requirements**

QE Certification requirements include:

- (i) Having a ***QE Participant/Authorized User HIE Training and Education Curriculum Plan*** in place. Plans may include approaches such as a QE driven (web-based portal) or Participant driven (SSO, API) training plan.
- (ii) Logs of trainings completed that are maintained by the QE and made available upon request for audits and that include date of training and purpose of training i.e., new Participant training; annual refresher training; special policy change training.
- (iii) Verification that authorized users may not access the QE/SHIN-NY prior to completion of the required training or retraining.

### **4.3 QE Monitoring and Self-Audits**

QEs shall ensure that an ongoing Monitoring/Self-Audit process includes:

- (i) Self-audits that monitor and track all Participant Authorized User trainings: new, annual, or in response to any policy or procedure changes.
- (ii) Self-audits that review Participant Authorized User training logs against current list of Participant Authorized Users both new and recurring.

## 5. QE Participant Authorized User Support Services

QE Participant Authorized User Support services provide troubleshooting and system access issues resolution through both online and help desk services provided by the QE for the Participant. This pertains to QE systems and not to statewide or participant systems. QEs have a responsibility to maintain the system integrity, security, and performance. For example, if sPRL or other statewide systems were not available, a QE cannot take any action to resolve and should be exempt from these SLAs in those instances. Similarly, if a connection with a Participant is down due to issues at the Participant, a QE cannot be held accountable.

### 5.1 QE Participant Authorized User Support Requirements

QEs will provide Authorized User support for technical issues that may arise when accessing the system that include:

- (i) help desk support services
- (ii) online service support that provides a mechanism for submission and resolution of service requests
- (iii) meeting the following QE Service Levels:
  - (a) **Availability:**
    - Help Desk services to add/change/remove users should be available at least during business hours.
    - 24/7/365 availability of online service support including a mechanism for submission of service requests.
    - No more than 100 hours of unscheduled downtime per calendar year; fewer than 12 hours per month of planned downtime and Recovery Time Objectives (RTOs) of 24 hours maximum for internal issues and 72 hours or fewer for external disasters.
    - Measured through QE Monitoring technology.
  - (b) **Performance:**
    - Responding to service requests within 1 business day of receipt of the request.
    - Resolution of service requests within the following time frames depending on the criticality of the service ticket for 95% of requests:
      - Level 4 - Critical [severe degradation of services for many users at many participants]: Worked on by QE around the clock until resolved, with enhanced reporting in those cases where the solution falls outside of 4 business hours based on receipt of the request.
      - Level 3 - High [severe degradation of services for either all users at some participants or some users at all participants; alternatively limited degradation of services for most users]: Worked on by QE as highest priority during business hours, with enhanced reporting in those cases where the solution falls outside of 8 business hours based on receipt of the request.
      - Level 2 - Medium [limited degradation of services for a limited group of users]: Worked on by QE for delivery as patch (distributing/applying critical updates to software) to the system when available, with enhanced reporting in those cases where the solution falls outside of 24 business hours based on receipt of the request.

- Level 1 - Low [minor impact for an individual user or minor group of users]: Placed into QE backlog to be released in release window when available, with enhanced reporting in those cases where the solution falls outside of 96 business hours based on receipt of the request.
- Measured through resolution times of service tickets logged by the QE.
- Additional guidance is provided in table format in Appendix A.

## **5.2 QE Certification Requirements**

QE Certification requirements include:

- (i) QEs have in place a QE Participant Authorized User Support Plan.
- (ii) Documentation of incidents and service requests received via help desk or online service.
- (iii) Documentation of resolution of all help desk or online service issues.
- (iv) Meet or exceed SLA standards agreed to as per QE Participant Agreements for resolution of system access issues and as outlined in the in 5.1 (iii) of this section.

## **5.3 QE Monitoring and Self-Audits**

QEs shall ensure that an ongoing Monitoring/Self-Audit process includes:

- (i) regular review of issue tickets and timeframe for resolution.
- (ii) Monthly reporting of volume and time to resolve.
- (iii) records of service levels within agreed timeframes as outlined in 5.1(iii) of this section.
- (iv) internal corrective action plans if performance is below standard.

## **6. QE Participant Customer Service**

QE Participant Customer Service activities are designed to facilitate a collaborative process and provide a feedback loop to support the identification and development of improved customer services and delivery of high-value service solutions.

### **6.1 QE Participant Involvement Requirements**

- (i) QEs shall have an established and documented Participant involvement process for input from Participants and other key stakeholder groups. This process should be specific to current or new QE services and enhanced interoperability that are designed to meet the QE service needs of the Participant.

### **6.2 QE Certification Requirements**

QE Certification requirements include:

- (i) A clearly defined Participant involvement process for input on QE services, solutions, and value-added initiatives.

### **6.3 QE Monitoring and Self-Audits**

QEs shall ensure that an ongoing Monitoring/Self-Audit process includes:

- (i) An evaluation of customer service approaches and outcomes that serves to validate Participant input to the QE related to enhancement of current services and addition of value-added services to support Participant adoption and use of the SHIN-NY.

## Appendix A.

Severity	Description of severity	Resolution service expectation	Example incidents and/or service requests
<b>Level 4 Critical</b>	Severe degradation of services for many users at many participants.	Worked on by QE around the clock until resolved, with enhanced reporting in those cases where the solution falls outside of 4 business hours based on receipt of the request.	<ul style="list-style-type: none"> <li>• QE is not available for cross-QE exchange</li> </ul>
<b>Level 3 High</b>	Severe degradation of services for either all users at some participants or some users at all participants; alternatively limited degradation of services for most users.	Worked on by QE as highest priority during business hours, with enhanced reporting in those cases where the solution falls outside of 8 business hours based on receipt of the request.	<ul style="list-style-type: none"> <li>• sPRL not available for all users</li> <li>• Interface between QE and a participant is down</li> <li>• Frequent time-outs of documents for retrieval for end-users</li> </ul>
<b>Level 2 Medium</b>	Limited degradation of services for a limited group of users	Worked on by QE for delivery as patch (distributing/applying critical updates to software) to the system when available, with enhanced reporting in those cases where the solution falls outside of 24 business hours based on receipt of the request.	<ul style="list-style-type: none"> <li>• Renewal of encryption certificates with participants that may require limited downtime.</li> <li>• Interface unavailable for a small group of individual users at a provider.</li> </ul>
<b>Level 1 Low</b>	Minor impact for an individual user or minor group of users	Placed into QE backlog to be released in release window when available, with enhanced reporting in those cases where the solution falls outside of 96 business hours based on receipt of the request.	<ul style="list-style-type: none"> <li>• Password reset for individual users</li> <li>• Individual instance where patient or document retrieval did not successfully complete.</li> </ul>