

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Department of Health Care Finance



Office of the Interim Senior Deputy Director and Medicaid Director

Transmittal 23-54

TO: Health Information Exchange (HIE) entities that have received Registered HIE entity status pursuant to Chapter 87 of Title 29 DCMR.

FROM: Eugene Simms
Interim Senior Deputy Director and Medicaid Director

DATE: **October 17, 2023**

SUBJECT: **Policy Guidance on Notice of Cease of Operations by Registered Entities of the DC Health Information Exchange (HIE)**

Purpose

The purpose of this guidance is to provide additional information in response to § 8702.2(f) of the [“HIE Rule”, Chapter 87 \(District of Columbia Health Information Exchange\) of Title 29 \(Public Welfare\) District of Columbia Municipal Regulations \(DCMR\)](#). This document provides guidelines for Registered HIE entity policies on the following items:

- Processes for notifying the Department of Health Care Finance (DHCF) on cease of operations;
- Details on the continuation of an HIE entity’s existing participation agreement during the period of transition; and
- Protocols for the destruction of electronic health information contained in the HIE entity’s core infrastructure.

This policy is applicable to all HIE entities that have received Registered status pursuant to Chapter 87, Title 29 DCMR. Any HIE entity newly applying to participate in the DC HIE must ensure that their submission is consistent with the requirements set forth in this guidance. Current Registered HIE entities must demonstrate compliance with this guidance when the entity renews its participation as a District Registered HIE entity at the end of its existing three-year (3) term.

Details

As per § 8702.2(f), Registered HIE entities must submit a policy that ensures reasonable notice in the event that the entity ceases operations or dissolves its services in the District of Columbia. This policy must include the components described below.

Notification to DHCF and Participating Organizations

As part of their policy, HIE entities must include any steps necessary to provide advance notice to DHCF prior to the anticipated cease of operations. Following the notice to DHCF, HIE entities must provide a formal notice to all participating organizations within a reasonable timeframe. The notice must communicate the following:

- The reason for cease of operations; and
- The impact of the cease of operations, including an inventory of items that may be affected.

In the event of unanticipated circumstances, the policy must specify that the HIE entity will provide the above-listed information as soon as possible. An unanticipated event includes the dissolution of an organization, merger or sale of an organization, or financial insolvency.

Inclusion of Transition Plans

As part of their policy, the HIE entity must provide additional details regarding the following plans prior to cease of operations. These include:

- A plan of dissolution;
- A plan to support the transition of DC HIE critical infrastructure and core capability tools to a new entity (including technical requirements); and
- A plan to support operational requirements during the transition such as user and technical support and destruction of PHI.

The policy must also include a process to work with any newly identified HIE entities. If a new entity is identified, any transition plans must address:

- Current and past projects and services provided by the entity as part of the DC HIE;
- Transfer of operational protocols (and any physical components if applicable) to ensure continuity of HIE services; and
- Collaboration with the new entity to support any consumer or vendor queries during the transition.

Destruction of Electronic Health Information

As part of their policy, the HIE entity must specify the use of [NIST Special Publication 800-88 Rev. 1, Guidelines for Media Sanitation](#), and any related best practices to destroy electronic health information contained in the HIE entity's core infrastructure. These include:

- Assigning clear roles and responsibilities; and
- Following the Clear-Purge-Destroy methodology based on sensitivity and confidentiality of information.

Upon completion, the policy must indicate that the outgoing HIE entity shall provide DHCF with a certificate of destruction.

Contact

If you have questions, please contact Asfiya Mariam, Policy Analyst, Division of Digital Health at asfiya.mariam@dc.gov or (202) 442-4622.

Cc: District Registered Entity – CRISP DC
District Registered Entity – DC Primary Care Association (CPC-HIE)