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## Health Information Exchange Participation Agreement

**Background:** In 2010, the Agency for Health Care Administration was awarded a contract from U.S. Health and Human Services Office of the National Coordinator for Health Information Technology to provide funding to facilitate statewide health information exchange. The Agency contracted with Harris Corporation to develop the health information exchange as directed in the State of Florida 2010-2011 General Appropriations Act, Specific Appropriation 156A.

During 2010, the Agency developed standard participation agreements for participants in the statewide health information exchange infrastructure. The Patient Lookup Subscription Agreement is signed by entities that agree to connect to the state level infrastructure for data sharing. The agreement covers all users authorized by the signing entity. The Direct Secure Messaging (DSM) Subscription Agreement is signed by entities that register for the service, agreeing to use it for permitted purposes in sending health information to other entities using DSM.

The Agency developed these participation agreements with the advice and expertise of the Health Information Exchange Coordinating Council (HIECC), HIE Legal Work Group, and other stakeholders.

**Current Status:** The Florida Health Information Subscription Agreements for Patient Look-Up and Delivery Services and Direct Secure Messaging are multi-party agreements between the vendor, Harris Corporation and all other Participants who have executed the same Subscription Agreements.

The Subscription Agreements describe the terms and conditions for organizations becoming participants in the state-level HIE network. Included in the agreements are: vendor and participant responsibilities; permitted purposes for the service; and definitions of service specific terms. In addition to the other provisions in the Subscription Agreements (including the General Terms and Conditions), all Participants must agree and are required to meet and comply at all times with the Network Operating Policies and Technical Requirements included in the Agreements.

Copies of the current Subscription Agreements in use are available at: [www.florida-hie.net/](http://www.florida-hie.net/).

### Key Takeaways:

- Harris Corporation will sign the master participation agreements directly and will be the HIPAA business associate of Participants that are HIPAA covered entities as applicable.
- The Agency is not be a signatory of the agreements but retains oversight through its contract with the vendor.

