I. Purpose

The California Interoperability Committee (“CIC”) is responsible for supporting Participants who wish to Transact Message Content with other Participants. Among the responsibilities granted to the CIC by the Participants is the right to determine whether to admit new Participants who will be signatories to the CalDURSA. To fulfill this responsibility, the CIC will review and act on applications for Participation (“Application(s)”) submitted by organizations that wish to become Participants (“Applicants”). This policy outlines a framework for assessing the qualifications, eligibility and readiness of valid legal entities and governmental entities to become Participants.

II. Policy

The CIC, in the exercise of its discretion applying the participation requirements set forth below, will accept Applicants as Participants.

A. General Eligibility Requirements (Administrative)

1. To be accepted as a Participant, an Applicant must meet all of the following administrative criteria, hereinafter referred to as “General Eligibility Requirements”:

   a. Be a valid business in good standing or a governmental agency, headquartered in the United States, with business operations in California;

   b. Meet all solvency and financial responsibility requirements imposed on the Applicant by applicable statutes and regulatory authorities;

   c. Be an organization or agency that oversees and conducts, on its own behalf and/or on behalf of its Participant Users, electronic transactions or exchanges of health information among groups of persons or organizations;

   d. Have the organizational infrastructure and legal authority (through statutes, regulations, organizational agreements, contracts or binding policies) to comply with
the obligations in the CalDURSA and to require its Participant Users to comply with applicable requirements of the CalDURSA;

e. Intend to Transact information with other Participants for a Permitted Purpose;

f. Have sufficient financial, technical and operational resources to support the testing and operation of transactions among Participants;

g. Is not aware of any information that would preclude the Applicant from fully complying with the provisions of the CalDURSA; and

h. Submit the completed Application and the signed CalDURSA Joinder Agreement (Attachment 7 of the CalDURSA), along with the applicable participation fees.

2. General Eligibility Requirements may be amended from time to time, as determined by the CIC. In addition, an Applicant’s past activities as a Participant may be considered.

3. While an Applicant’s Application must include a signed copy of the CalDURSA Joinder Agreement, such signature does not make the Applicant a party to the CalDURSA. The Applicant does not become a party to the CalDURSA until the CIC accepts the Applicant as a Participant and duly executes the Applicant’s Joinder Agreement. The CIC reserves the right to decline an Applicant participation even if such Applicant signs the CalDURSA Joinder Agreement in the exercise of the CIC’s discretion in applying the criteria set forth in this document.

B. Technical Requirements

In addition to the General Eligibility Requirements, to be accepted as a Participant, the Applicant must also satisfy the following Technical Requirements:

1. Has a system implemented in a production-ready environment that complies with the Performance and Service Specifications;

2. Successfully complete the required technical testing of Applicant’s system in accordance with the Validation Plan; and

3. Certify the Applicant is ready to begin exchanging data with other Participants in production through the Applicant’s successfully tested system.
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| Policy:  | OPP-1                                                |
| Effective: | 24 October 2014                                    |
| Version: | 1.0.1                                                |

III. **Procedure**

The following procedures outline the steps for determining whether an Applicant has satisfied the eligibility requirements to be a Participant. The process for testing and determining whether a system complies with the Performance and Service Specifications is addressed in the Validation Plan.

A. **Verify General Eligibility Requirements (Administrative)**

1. Delegation of Rights

   The CIC may choose to delegate some authority, duties, and responsibilities to other CAHIE committees, including but not limited to: the receipt, processing, and review and disposition of Applications, and coordinating with Applicants.

2. Application Submission

   Applicants shall prepare and submit their Application to CAHIE.

   The Application supports the verification of eligibility requirements set forth in the Policy Section above. For details regarding the type of information that should be included in the Application, please see the Guidance in Section IV below.

3. Readiness Review of the Application

   CAHIE shall conduct a cursory review of the Applications in a timely manner and determine if the Application is ready for CIC Review.

4. Review and Disposition of Application

   a. The CIC shall review the Application and determine whether an Applicant meets the General Eligibility Requirements. So long as the Applicant provides timely responses, it is anticipated that this process will usually be completed within thirty to forty-five (30-45) days.

   b. The CIC may consult with the Applicant to request additional information regarding the Application and proposed services and/or transactions, suggest changes or modifications to the Application including the supporting documentation, request
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verification of elements of the Application including screen shots, audit log excerpts, metrics or system demonstrations, or make other recommendations the deemed reasonably necessary during the review.

If the Applicant fails, or declines, to respond to the request, provide requested information or modify its Application within ninety business (90) calendar days of the CIC and/or CAHIE’s request, the Application may be considered withdrawn.

If the CIC determines that the Applicant meets the General Eligibility Requirements, the Applicant will be directed to complete requisite testing with CTEN Participants.

c. If the Application does not meet the General Eligibility Requirements, the Applicant will be notified in writing. An Applicant may submit a new Application for future consideration by the CIC after correcting the identified deficiencies.

d. Any Applicant may withdraw its Application at any time by informing the CIC of such withdrawal.

e. Once the determination for acceptance or rejection of an Application has been made, the Applicant shall be informed in writing of the decision as well as supporting rationale.

B. Verify Technical Requirements

1. Receive and Evaluate of Applicant Test Results

   a. CAHIE will provide the CIC a copy of Applicant’s test results, including a recommendation regarding whether to accept the Applicant as a Participant based upon the Performance and Service Specifications and the Validation Plan.

   b. During consideration of the test results, the CIC may consult with the Applicant or its testing partners, request additional information, notify the Applicant of items that require remediation to comply with the Performance and Service Specifications or suggest changes to the Applicant’s implementation of the Performance and Service Specifications.
c. The Applicant shall notify the CIC of its election to remediate or not remediate any non-conformance of its implementation of the Performance and Service Specifications.

d. If the Applicant elects not to remediate any non-conformance, the Application shall be considered to be withdrawn.

e. The CIC may hold an Application pending completion of any needed remediation, changes or modifications as well as any needed follow up testing to ensure the Applicant is able to meet the Performance and Service Specifications.

C. Determine Participation

1. If the Applicant meets the General Eligibility Requirements and has successfully completed all required testing, the Applicant shall be conditionally accepted as a Participant.

2. The Applicant’s acceptance as a Participant is conditioned on the Applicant’s being able to begin exchanging data in production with other Participants within one-hundred and twenty (120) calendar days following the date the Applicant was conditionally accepted as a Participant. During that time the following activities will occur:

   a. No more than thirty (30) days before an Applicant is scheduled to be activated to begin exchanging information with Participants in production, the CIC Chair (or Chair’s Designee) will execute the CalDURSA Joinder Agreement. The Chair shall notify the CIC of such designation and may designate an individual who is not a member of the CIC.

   b. The Applicant shall provide the requested information to CAHIE to add the Applicant to the service registry.

   c. CAHIE shall add the Applicant’s information to the service registry within two (2) business days of receiving such required information.

      At this point the Applicant becomes activated as a Participant. Other Participants will be able to identify the new Participant and begin transacting health information with that new Participant.
3. If an Applicant is unable to go into production as a Participant within the one hundred and twenty (120) calendar-day timeframe or on another date mutually agreed upon by the CIC and Participant, the Applicant may request an extension.
   
a. Extension requests must be made in writing prior to end of the original 120-day period or the expiration of a previous acquired extension and submitted to CAHIE. The request shall include the rationale of the extension and the number of days requested. CAHIE will review the extension request for completeness and present it to the CIC for approval.
   
b. If the extension request is denied, it shall have the same effect as a rejection.
   
c. If the extension request is accepted, it shall result in the extension of the timeframe for the Applicant to identify a specific effective date on which the Applicant’s system will be operational, in production and ready to exchange information with other Participants in production.
   
d. Applicants may submit multiple extension requests, each of which the CIC will review and disposition.

4. An Applicant’s formal acceptance as a Participant takes effect on the date the Applicant’s system is operational in a production environment and able to transact Message Content with other Participants and when the Applicant’s Digital Credentials are activated.

D. Examples

The following are several examples that illustrate ways in which the CIC may apply the General Eligibility Requirements. These examples are not intended to describe all possible scenarios.

- Scenario 1: An entity that licenses system software to its clients, but has not confirmed it has an agreement with its clients that requires the clients to use the software to transact information only for the purposes allowed by the CalDURSA.

  Scenario 1 – Eligibility Implications: The entity is not eligible to be a Participant because the entity does not have the legal authority to require its clients to comply with the applicable requirements of the CalDURSA.
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• Scenario 2: An entity that facilitates the transaction of information among various parties by helping the parties to reach agreement on conduct expectations, but does not provide the software that allows those parties to transact information.

  Scenario 2 – Eligibility Implications: The entity is not eligible to be a Participant because it does not have the technical ability to meet the Performance and Service Specifications and does not conduct exchanges of health information.

• Scenario 3: An entity that licenses software to its clients that allows the clients to transact data with other Participants without the oversight of the entity as an intermediary.

  Scenario 3 – Eligibility Implications: The entity is not eligible to be a Participant because the entity is not overseeing and conducting exchanges of health information.

• Scenario 4: An entity that licenses software to its clients, acts as its clients’ intermediary in the exchange of information with others, and has agreements with its clients that require the clients to use the software in accordance with the terms of the CalDURSA

  Scenario 4 – Eligibility Implications: The entity is eligible to be a Participant.

IV. Definitions

Applicant: The legal entity or government agency that submits an Application for Participation.

Application for Participation (“Application”): The document that serves as an application to participate in the eHealth Exchange.

CalDURSA: California-specific Data Use and Reciprocal Support Agreement

All other capitalized terms, if not defined herein, shall have the same meaning as set forth in the CalDURSA.
V. **References**

- California Data Use and Reciprocal Support Agreement (CalDURSA) (July 24, 2014)

VI. **Related Policies and Procedures**

None.

VII. **Version History**

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<td>Initial red-lined draft.</td>
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<td>1.0 10/22/2014</td>
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