Context and Overview of the Model Multilateral Participation Agreement
Overview

- Model Contract
  - Introduction
  - Structure overview
  - Definitions

- Purpose of Model SNO Terms and Conditions
  - To assist SNOs prepare their own Terms and Conditions
  - 60-40 solution
  - Identify issues and alternatives
  - Raise questions
Essential Components

- Incorporate applicable terms of Common Framework Policies and Procedures
- Provide specific terms that the individual SNO determines are appropriate for its unique needs
- Include mechanism for making and implementing changes
Structural Considerations

- Manage resources in negotiating participation agreements
  - Standard terms that apply to all parties
  - Flexibility to negotiate unique agreements with specific parties
- Simplify process for negotiating agreements with large numbers of Participants
- Simplify process for making changes
- Define the role of stakeholders’ representatives (e.g., Management Committee) to assure simplified process is reasonable
Issues Reserved to Common Framework

- Permissible terms of user agreements
- Categories of participants
- Technical standards
- Minimum privacy and security standards
- Permitted and prohibited uses of health information
- Minimum standards regarding liability and indemnification
- Minimum standards, generally
Issues for Local Decision-Making

- Nature and scope of SNO’s system (i.e., technology) and services
- Selection of Participants
- Responsibility for certification and supervision of individual Authorized Users; security measures
- Nature and scope of Participants’ rights to use data obtained through the Network; permitted and prohibited uses
- Nature and scope of Participants’ obligations to provide data
Issues for Local Decision-Making

- Compliance with applicable agreements, e.g., vendor agreements, software licenses, etc.
- Operational issues
  - Measures required to protect Network,
  - Responsibility for training and support, etc
- Reporting obligations
- Compliance with applicable laws
  - Privacy and security (HIPAA); parties’ obligations to report breaches
  - State and local laws
Issues for Local Decision-Making

- Services and/or technology provided by SNO, Participant, others
- Economics
  - SNO system and services
  - NHIN
  - Participants
- Preservation of intellectual property rights
- Liability, Warranties and Indemnification
- Parties’ roles as business associates of other Participants
- Parties’ rights regarding termination