

## Executive Summary of Changes to Participation Agreement

Simultaneously with the merger of HealthlinkNY into HealtheConnections, HealtheConnections has updated its Participation Agreement, Terms and Conditions, and Business Associate Agreement (the “Participation Documents”). These updated documents contain clarifying amendments, incorporate language from both of the legacy QEs to reflect best practices, and will apply to Participants of both legacy QEs as well as to new Participants moving forward. In addition, these documents include amendments required by recent changes in the latest version of the SHIN-NY Privacy & Security Policies (Version 3.6, is available at [https://www.health.ny.gov/technology/regulations/shin-ny/docs/privacy\\_and\\_security\\_policies.pdf](https://www.health.ny.gov/technology/regulations/shin-ny/docs/privacy_and_security_policies.pdf)) (the “SHIN-NY Policies”).

The following is a brief summary of the updated terms in the Participation Documents, which will apply to Participants of both legacy QEs (Capitalized terms are defined in the Participation Documents or the SHIN-NY Policies):

- Expanded language referencing HealtheConnections’ area of service to include the Central, Northern, Southern Tier, and Hudson Valley regions of New York State
- Added provisions governing use of Medicaid Confidential Data to the extent providers under a Data Use Agreement with New York State will give HealtheConnections access to such data
- Inserted language into the Business Associate Agreement to prohibit HealtheConnections from offshoring protected health information
- Added provisions to govern direct requests for access to PHI and use of data for Research purposes
- Included concept of “Base Services” (no associated fees) and “Chargeable Services”
- Maintained limitation of liability as insurance coverage available plus amounts for which HealtheConnections is indemnified by third parties, but removed alternative \$1 million limitation
- Added language to allow for assignment in the event of a future merger

The following additional summary of changes apply only to former HealthlinkNY Participants:

- Terms and Conditions contain a limited indemnity by HeC of its participants, whereas former HealthlinkNY Participation Agreement had not
- New language governing use of data by HealtheConnections upon termination
- Section requiring Participants to cooperate and participate in third party health information exchanges, such as eHealth Exchange and other trusted external networks
- Dispute resolution provisions require arbitration to settle disputes