

**MEMORANDUM OF UNDERSTANDING
BETWEEN
U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, OFFICE OF THE
NATIONAL COORDINATOR FOR HEALTH INFORMATION TECHNOLOGY
AND
THE NATIONAL COMMITTEE FOR QUALITY ASSURANCE**

I. PURPOSE

This Memorandum of Understanding (MOU) is made and entered into on this 7th day of August, 2017 ("Effective Date") by and between the U.S. Department of Health and Human Services, Office of the National Coordinator for Health Information Technology (ONC) and the National Committee for Quality Assurance (NCQA) (the "partners"). This MOU defines an agreement between the ONC and NCQA to maintain active collaboration in relation to NCQA's approved testing methods under the ONC Health IT Certification Program. The purpose of this MOU is to set forth the terms, conditions and responsibilities of the ONC and NCQA associated with the approved testing methods for the following criteria: § 170.315(c)(2) *Clinical quality measures– import and calculate*, § 170.315(c)(3) *Clinical quality measures– report*, and § 170.315(c)(4) *Clinical quality measures – filter*.

II. BACKGROUND

On June 9, 2015 the Department of Health and Human Services (HHS) published a notice in the Federal Register titled "Acceptance and Approval of Non-Governmental Developed Test Procedures, Test Tools, and Test Data for Use Under the ONC Health IT Certification Program". This notice informed the public of ONC's policy that permits any person or entity to submit test procedures, test tools, and test data (herein a "test method") to ONC to be considered for approval and use by accredited testing laboratories. The notice reiterated that in determining whether to approve a test method for purposes of the ONC Health IT Certification Program, the National Coordinator will consider whether it is clearly traceable to a certification criterion or criteria; whether it is sufficiently comprehensive for NVLAP-accredited testing laboratories to use in testing health IT's compliance with the certification criterion or criteria; whether an appropriate public comment process was used during the development of the test method; and any other relevant factors (76 FR 1280).

ONC staff conducted, in consultation and with deep engagement with OST leadership, a thorough review and assessment of the NCQA eMCP testing documentation, processes, data and tools submitted for consideration for approval as an alternative test method for eQMs. Analyses included meetings with NCQA, an independent discussion with a reference supplied by NCQA, a review of their testing program documentation, a detailed analysis of their measure logic and test decks, and side-by-side testing of NCQA's processes and tools with an independent health IT developer. As a result of this review and assessment, ONC submitted a recommendation to the ONC National Coordinator that NCQA's eMCP tool, test data and test procedure be approved as an alternative test method in the ONC Health IT Certification Program for § 170.315(c)(2) – (c)(4). The NCQA's eMCP test method was approved by ONC on June 19, 2017.

III. RESPONSIBILITIES AND SCOPE OF WORK

The ONC and NCQA agree to the activities outlined below in order to maintain consistency and integrity in the testing processes that support certifications issued through the ONC Health IT Certification Program.

The ONC agrees to undertake the following activities:

- i. Notify NCQA of reported issues, complaints and feedback related to NCQA's testing methods;
- ii. Notify ONC-Authorized Testing Laboratories (ONC-ATLs) and NCQA of patches, upgrades, planned enhancements, and issues related to Cypress in the interest of testing tool and process harmonization between governmental and non-governmental testing approaches;

- iii. Notify ONC-ATLs and NCQA of modifications to test procedures and certification companion guides related to the criteria that NCQA tests via the ONC listserv;
- iv. Monitor NCQA's timely alignment of its testing with CMS eCQM Annual Updates;
- v. Host all NCQA-approved test procedures on HealthIT.gov;
- vi. Collaborate with NCQA to effectuate the release of, and any updates to NCQA-developed test procedures on HealthIT.gov;
- vii. Collaborate with NCQA on ONC listserv announcements and other public communications, with the understanding and agreement that NCQA will have ultimate discretion over the content; and
- viii. Meet with NCQA on a semi-annual basis to review the progress of NCQA's testing maintenance and development, address any unresolved issues, and ensure policy and technical alignment.

The NCQA agrees to undertake the following activities:

- i. Fund the development, maintenance and user support of its testing method;
- ii. Develop and maintain the test tool(s), test decks, and test procedures as an ONC approved alternative testing approach to meet the 2015 Edition certification criterion § 170.315(c)(2) – (c)(4) through the lifetime of the Edition of certification to which the certification criteria belong or if NCQA seeks to have its approval removed;
- iii. Notify ONC of patches, upgrades, and planned enhancements to the approved testing method, including updates as a result of standards developing organization (SDO) published errata/corrections, within 30 days of any change;
- iv. Include support for ongoing surveillance activities conducted by ONC and its ONC-Authorized Certification Bodies (ONC-ACBs) to ensure that the approved testing method continues to conform to the requirements of its certification, and provide support and SME expertise to support ongoing surveillance activities as needed;
- v. Notify ONC of modifications to test procedures and other relevant testing documents related to the criteria that NCQA tests to, and provide a copy of the modified versions of the test procedures for posting to healthit.gov, within 30 days of any change;
- vi. Reference specific versions of the eCQMs that the approved testing method tests to and the specific certification criteria that NCQA has been approved to test in all published and updated test procedures;
- vii. Respond to approved testing method-related questions received by ONC, such as through the ONC-ATLs, ONC-ACBs, developers, and the public inquiry process;
- viii. Remain apprised of and closely adhere to the latest ONC Program requirements, health IT standards, criteria, and implementation specifications;
- ix. Ensure and report on the timely alignment of the approved testing method data, tools, and procedures with eCQM Annual Updates and other standards and specification updates that are relevant to the 2015 Edition certification criterion § 170.315(c)(2) – (c)(4); and
- x. Meet with ONC on a semi-annual basis to review the progress of NCQA's eMCP maintenance and development, address any unresolved issues, and ensure policy and technical alignment.

IV. TERMS AND CONDITIONS

Neither ONC nor NCQA may assign or transfer all or any portion of this MOU without the prior written consent of the other partner. The provisions of this MOU may only be amended or waived by mutual written agreement by both partners. Partners agree to review jointly the terms and conditions of this MOU annually, and appropriate changes will be made by amendment to the original MOU. The individuals signing this MOU on behalf of their respective organizations represent and warrant (without personal liability therefor) that upon the signature of each, this MOU shall have been duly executed by the organization each person represents. Each partner will identify their own resources to implement this MOU. This agreement does not itself authorize the expenditure or reimbursement of any funds.

Partners further agree to review performance under this MOU to determine if expectations are being met and document a summary of their assessment. The ONC and NCQA hereby agree that, in the event of any dispute between the partners relating to this MOU or any amendments and/or revisions, the partners shall first seek to resolve the dispute through informal discussions. Any disagreements that cannot be resolved shall be stated in writing by each partner and presented to the other partner for consideration. If agreement is not reached within 30 calendar days, the partners shall forward the written presentation of the disagreement to their respective higher officials for appropriate resolution.

This MOU shall take effect upon signing by both the ONC and NCQA and shall remain in effect indefinitely unless terminated in writing. Either partner may terminate this MOU for cause upon fourteen (14) days written notice to the other. Upon termination of this MOU, the partners will take all reasonable and necessary measures to conclude any work already commenced in accordance with this MOU.

V. PRINCIPAL CONTACTS


ORGANIZATION	ONC	NCQA
Name	Steve Posnack	Rick Moore
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Such principal contacts may be changed in writing from time to time by their respective organizations.

VI. APPROVAL

The undersigned concur with this Agreement.

Steven L. Posnack


8/7/17
Date

Steven Posnack
Director, Office of Standards and Technology
Office of Standards and Technology
Office of the National Coordinator for Health IT, HHS

Scott Hartranft

August 8, 2017
Date
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