

Trading Partner Agreements

SND Workgroup

Data Sharing Subgroup

Kathleen Fox-Williams

What should we call it?

- **Memorandum of Understanding**
- **Data Sharing Agreement**
- **Trading Partner Agreement**

A Google Search reveals:

- **3,560 results for “Data Sharing Agreement.”**
- **11,100 results for “Trading Partner Agreement.”**
- **820,000 results for “Memorandum of Understanding.”**

More Google search results:

- 0 results for “What is Data Sharing Agreement“
- 24 results for “What is Trading Partner Agreement”
- 81 results for “What is Memorandum of Understanding”

What is a TPA?

- **HIPAA Section § 160.103**
Definitions of the final privacy rule includes this definition:
 - *Trading partner agreement* means an agreement related to the exchange of information in electronic transactions, whether the agreement is distinct or part of a larger agreement, between each party to the agreement.

Why do we need TPAs in EPHT?

- **The goal of the TPA is to:**
 - **Establish and characterize a data sharing relationship between two or more parties, and**
 - **Document the business processes and issues related to the exchange of data for a specific flow.**

How is a TPA different?

- **Memorandum of Understanding (MOU)**
 - Can be used to characterize any relationship between two entities
 - Most used label
- **Trading Partner Agreement (TPA)**
 - Used by HIPPA for Medicaid transactions
 - Used by EPA Exchange Network
- **Data Sharing Agreement (DSA)**
 - Used by WA Dept of Health
 - Used by California HAN

Components of the TPA Document

- **A cover letter**
- **The template itself**
- **An Example from various sources**

The Template

- 1. Introduction**
- 2. Data Description**
- 3. Data Management**
- 4. Data Access and Security Levels**
- 5. Contract Management and Administration**
- 6. Other Considerations**
- 7. Signatures**

How will TPAs be used?

- 1. Develop a relationship with a partner to share data and identify the key data sets of interest, standards needed, and other contractual requirements.**
- 2. Use the TPA Template to provide guidance on key parameters that should be addressed - fill out and sign the TPA.**
- 3. Consider use of the TPA to electronically encode rights of access.**

Related References:

- **The EPA Exchange Network created a model Trading Partner Agreement and a Best Practices document.**
 - http://www.exchangenetwork.net/PADEP_FRS_TPA_2002.pdf
 - http://www.exchangenetwork.net/documents/TPA_Final_Report_Best_Practices.doc
- **HIPAA Electronic Trading Transactions Trading Partner Agreements.**
 - <http://www.cms.hhs.gov/hipaa/hipaa2/education/infoerie/8-TPAver2.pdf>