

An Overview of Proposed Amendments to the SHIN-NY Statewide Common Participation Agreement

July 15, 2026

Agenda

- **SHIN-NY Transformation**
- **Overview of Proposed Amendments to SCPA**
- **Next Steps & Timeline**
- **Wrap-up & Q&A**

Q&A Procedure

- Today's Q&A will be limited to procedural questions only. **Please submit all substantive questions and comments through the formal public comment process.**
- Please submit your questions through the Zoom Q&A function.
- NYeC will select questions to be answered live during the webinar as time allows.
- If your question was not answered during the session and you would like to follow up with NYeC, please submit your question to info@nyehealth.org.

SHIN-NY Transformation

Vision for SHIN-NY Transformation

In July 2024, the New York State Department of Health (DOH) adopted changes to the Statewide Health Information Network for New York's (SHIN-NY) governing regulations, allowing it to adapt to an evolving national HIE landscape, improve interoperability, effectively support statewide information sharing, better serve participants, and support the state's public and population health data needs.

The regulatory changes allow for the SHIN-NY to adapt to a changing HIE landscape and better serve participants and the state's health data needs by enabling:



Transitions from proprietary connections and file-based exchange to more efficient, query-based exchange. Streamlined administrative burden for consent for patients and participants.



Alignment with the federal Trusted Exchange Framework and Common Agreement (TEFCA).



Strengthened capacity to efficiently support the modernization of statewide public and population health data collection and use to meet state needs for statewide data sets.



A dynamic environment where QEs have opportunities and are motivated to support SHIN-NY Participants' HIE needs.



As the State Designated Entity (SDE) overseeing the SHIN-NY, NYeC is responsible for developing operational, legal, and policy reform initiatives to implement these regulatory changes.

SHIN-NY Transformation Initiatives: Statewide Common Participation Agreement (SCPA)

STATEWIDE COMMON PARTICIPATION AGREEMENT

This Statewide Common Participation Agreement (this "SCPA" or "Agreement") is made and entered into by and among New York eHealth Collaborative, Inc., a New York not-for-profit corporation with its principal place of business at 99 Washington Avenue, Suite 1750, Albany, NY 12210 ("NYeC"), the Qualified Entities (as defined at 10 N.Y.C.R.R. § 300.1), each a New York not-for-profit corporation with its principal place of business set forth at the location set forth on the signature page hereto, and any other Qualified Entity that may join this Agreement by executing an instrument of joinder agreeing to be bound by the terms of this Agreement (each, a "QE" and collectively, the "QEs"), and the individual or entity identified on an election schedule substantially in the form attached hereto as Exhibit A (as amended, modified or replaced from time to time, the "Election Schedule") (such individual or entity being a SHIN-NY participant (as defined below) and identified as "Participant"). NYeC, the QEs, and Participant may be referred to each individually as a "Party" and collectively as the "Parties." Without limiting any obligation to execute this Agreement by a certain date, the Effective Date of this Agreement shall be the later of July 1, 2025 and the date on which Participant initially executes the Election Schedule (the "Effective Date").

RECITALS

1. The New York State Department of Health ("NYS DOH"), NYeC, and QEs have been working collaboratively to develop and facilitate the use of health information technology to support the provision of better, more cost effective health care through use of the Statewide Health Information Network for New York (the "SHIN-NY") in accordance with the regulations set forth at Part 300 of Title 10 of the New York Codes, Rules and Regulations, as amended from time to time (the "SHIN-NY Regulations").
2. NYeC is the designee (the "State Designated Entity" or "SDE") of NYS DOH, under their public-private partnership, responsible for managing and overseeing the implementation of the SHIN-NY pursuant to the contract between NYS DOH and NYeC effective as of April 1, 2014, as replaced first by the contract effective as of April 1, 2018, and then by the contract effective as of April 1, 2023, and as further amended, modified, replaced and restated from time to time (the "NYeC DOH Contract").
3. The SHIN-NY is the technical infrastructure, supportive policies, and set of agreements (and the transactions, relations and data that are created by and through such policies and set of agreements) between NYS DOH, NYeC, the QEs, and SHIN-NY participants that make possible the secure electronic exchange of health information in New York State for authorized purposes, including between and among, directly or indirectly, health care providers, health plans, and other organizations, each of whom is a SHIN-NY participant.
4. To keep pace with modern data exchange practices and the shifting national landscape of health information exchange, and to reflect evolving needs of the Parties and other SHIN-NY participants for timely, efficient, and secure access to health information, NYeC and NYS DOH have been working collaboratively to develop as part of the SHIN-NY a statewide data

- As the State Designated Entity (SDE) overseeing the SHIN-NY, NYeC is responsible for developing and executing on operational, legal, and policy reforms required by regulation.
- The first of NYeC's transformation initiatives was the state-required implementation of a **Statewide Common Participation Agreement (SCPA) - a common legal framework for all health care organizations which are part of the SHIN-NY.**
- The SCPA replaces the numerous contracts that presently govern data exchange between Qualified Entities (QEs) and Participants across the SHIN-NY.
- The SCPA has been approved by the Department of Health and available for signature since April 2025.

Why Adopt the Statewide Common Participation Agreement (SCPA)?

The SCPA is intended to promote:

- 1.** Consistency in how health information may be shared and used.
- 2.** Efficient and transparent data governance to confirm permitted data use.
- 3.** Consistency of service quality provided to Participants.
- 4.** Clarity in service expectations for Participants.
- 5.** Alignment in SHIN-NY data privacy and security standards.
- 6.** Flexibility in how Participants connect and contribute data to the SHIN-NY.
- 7.** Efficiency in how Participants – particularly those serving multiple regions – engage with the SHIN-NY.
- 8.** Adaptability of the SHIN-NY to current technology and data standards, infrastructure, and landscape changes.

The SCPA is required under the new SHIN-NY Regulation.

Overview of Proposed Amendments to SCPA

Draft - Proposed SCPA Amendments

Section / Location	Proposed Change	Type of Proposed Change & Rationale
Various Sections	Make non-substantive edits and technical corrections	Non-substantive edits and technical corrections
1 - Definitions	Make clarifying additions and deletions to several definitions: • 1.13 - Remove term "Data Lake" and definition as unnecessary • 1.21 - Replace term "Data Lake" with "SDI" • 1.51 - Clarify and update definition of "QE Platform" • 1.59 - Clarify and update definition of "SDI" • 1.79 - Remove term "Statewide Services" and definition as unnecessary (and replace term "Statewide Services" with "services" in 3.3 - Eligible NYeC Participants)	Update and Clarify - Terms and definitions adjusted to reflect updates and changes in SHIN-NY technology and infrastructure and the ways in which statewide services are being delivered
7.10 - Audit of Permitted Purposes	Change oversight language to indicate that oversight will be conducted in accordance with the SDUC charter (which indicates that the NYeC Board's Audit and Compliance Committee will oversee the third-party auditor)	Correction - Oversight should rest with NYeC Board, not SDUC which may be the subject of an audit or appeal
7.12 - De-identified Data	Add explicit prohibition: no HIN may sell/license/transfer de-identified SHIN-NY Data to a third party solely for commercial profit; clarify that certain fees may be charged for costs incurred and services provided by HINs related to de-identified data	Change requested by stakeholders - My organization wants to include specific provisions in our SCPA BAA to prohibit the use of de-identified data for commercial purposes; this concept was previously discussed in the SCPA FAQs and is now being codified in the SCPA

Draft - Proposed SCPA Amendments

Section / Location	Proposed Change	Type of Proposed Change & Rationale
8.1(a) - SHIN-NY SOPs	Added provision allowing NYeC to sign an agreement with an Other Approved Network on behalf of the Parties	Clarify - Clarify to reflect that NYeC may sign agreement if network is approved in accordance with the SHIN-NY SOPs
8.1(c) - SHIN-NY SOPs	Deleted requirement that urgent amendments to SHIN-NY SOPs be "released to all SHIN-NY participants"	Clarify - This requirement is unnecessary because NYeC is required to publish such amendments
9.2 - Bulk Data Rule	Add reference to 28 CFR part 202; to the extent applicable, each HIN is prohibited from (or permitting others to) selling, licensing, or other similar commercial transactions, SHIN-NY Data to countries of concern or covered persons; immediate notice required where a party knows or suspects that a country of concern or covered person has gained access to SHIN-NY Data through a data brokerage transaction	Update - Reflect new US DOJ Bulk Data Rule
9.3(b) - SDI Permitted Purposes	Change SDI use/disclosure actor from "NYeC" to "HINs" (and corresponding vendor/agent references) for SDI permitted purposes statement	Update - Reflect scope of SDI beyond data lake (where only NYeC has direct access) as HINs will have access to other components of the SDI, including the PDR

Draft - Proposed SCPA Amendments

Section / Location	Proposed Change	Type of Proposed Change & Rationale
9.4 - Disclosure in Connection with Proceedings	Add reference to new Gen Bus Law §394-l	Update - Revise to reflect new Shield Act 2.0 (Effective December 2025), which impacts how a person or entity located, headquartered or incorporated in NYS would respond to a request (a civil, criminal, or regulatory inquiry, investigation, subpoena, or summons for information) regarding Legally Protected Health Activities (related to reproductive and gender-affirming care)
9.5(c) - Security Requirements	Add new (c) to prohibit HINs from receiving, processing, transferring, handling, storing or accessing Participant's SHIN-NY Data outside the US and its territories without the prior express written authorization of Participant.	Update and clarification -the SCPA BAA already prohibits "offshoring" of SHIN-NY Data that is PHI; this provision would extend that prohibition to all SHIN-NY Data and reinforce the new provisions in Section 9.2 that address compliance with the US DOJ Bulk Data Rule
15.6 - Assignment of Insurance Rights	NYeC seeks comments and proposals on three possible options: 1. Retain 15.6(b) and 15.6(c) and rely on 15.6(c) for the non-enforceability of the assignment requirements under the circumstances described in 15.6(c); 2. Eliminate both 15.6(b) and 15.6(c); or 3. Allow a HIN-Specific Modification (applicable only to those HINs that execute the HIN-Specific Modification) that would permit the parties thereto to modify, replace or delete (in whole or in part) any term or provision of 15.6(b) and/or 15.6(c)	Change requested by stakeholders - Some of our participants say that their insurance policies do not permit the type of assignment contemplated in Section 15.6(b) of the SCPA. They have asked for Sections 15.6(b) and 15.6(c) of the SCPA to be deleted because their inclusion could jeopardize their insurance coverage or their ability to obtain insurance coverage

Draft - Proposed SCPA Amendments

Section / Location	Proposed Change	Type of Proposed Change & Rationale
15.8(d) and (e) - Insurance - Evidence of Required Coverage	Remove requirement that, upon request by a party, the other party must provide copies of insurance binders and policies; replace with requirement that, upon request by a party, the other party must provide the COI and, only if the COI is not sufficient to demonstrate compliance with SCPA coverage requirements, the other party must provide alternative evidence to demonstrate compliance	Change requested by stakeholders - Our participants object to the requirement in SCPA Section 15.8(e) that they provide copies of confidential insurance binders and policies to HINs; this concept was previously discussed in the SCPA FAQs and is now being codified in the SCPA
15.8(j) - Insurance - Waiver of Subrogation	NYeC seeks comments and proposals on this section	Change requested by stakeholders - Large organizations won't waive right to subrogation
16.1(a) - Amendments	Add provision allowing NYeC to make interim amendments to the SCPA to align the SCPA with applicable law or regulation where NYeC reasonably determines that it is necessary to urgently amend the SCPA in a manner faster than could feasibly be accomplished through the Statewide Collaboration Process (e.g., a state regulation is adopted on an emergency basis)	Clarify - This mirrors a provision in 8.1(c) that applies to the SHIN-NY SOPs as the same type of situation might also arise with respect to the SCPA itself

Draft - Proposed SCPA Amendments

Section / Location	Proposed Change	Type of Proposed Change & Rationale
BAA - 1(r) and (u) - Definitions	Add language to definitions of “SHIN-NY SOPs” and “Underlying Contract” to reflect that these documents may be amended, modified or restated from time to time	Clarify - This clarifies that these documents may be updated over time
BAA - 2(f) and (g) - Access and Amendments to Designated Record Sets	Clarify that access shall be provided and amendments shall be made as soon as practicable but in no case later than 7 business days after request to access or direction from Covered Entity to amend	Change requested by stakeholders - My organization wants to modify the SCPA business associate agreement (BAA) to require the HIN to provide access to designated record sets in a time period that is shorter than 7 days, since under New York law we are required to provide patients with access within 10 days; corresponding change made to provision on amendments to designated record sets
BAA - 9(i) - Terms - Entire Agreement	Clarify that HIN-Specific Modifications and any other written instruments authorized by the SCPA and the SHIN-NY SOPs are included in the “entire agreement” of the parties	Change requested by stakeholders - This section should include HIN-Specific Modifications and any other written instruments authorized by the SCPA and the SHIN-NY SOPs in the “entire agreement” of the parties

Next Steps & Timeline

Next Steps: Review and Public Comment

45-Day Public Comment Period

Opens: July 15, 2026

Closes: COB August 28, 2026

JULY 2026

SUN	MON	TUE	WED	THU	FRI	SAT
28	29	30	1	2	3	4
5	6	7	8	9	10	11
12	13	14	15★	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	1

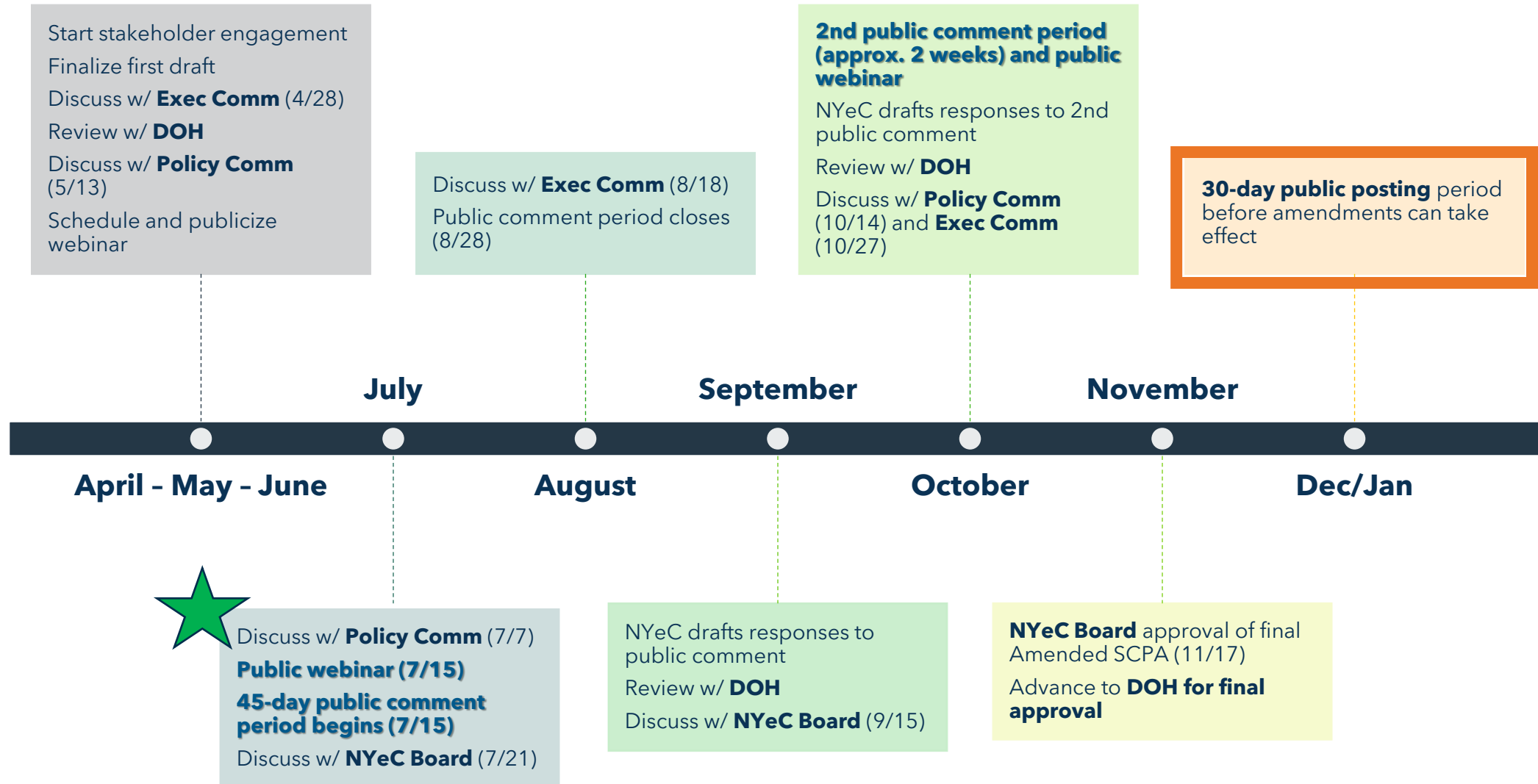
AUGUST 2026

SUN	MON	TUE	WED	THU	FRI	SAT
26	27	28	29	30	31	1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28★	29
30	31	1	2	3	4	5

- Find a copy of the proposed SCPA amendments on NYeC's website:
<https://nyehealth.org/shin-ny/scpa/>
- Submit Public Comment on the proposed amendments through NYeC's public comment platform
<https://nyehealth.org/shin-ny/scpa/>
- Email any questions to info@nyehealth.org

SCPA Amendment Timeline

Past and Upcoming Milestones



Wrap-up and Q&A

Question & Answers

