

Dozens of hospitals demand better security for patient record sharing in letter to officials

The letter from Epic customers follows a recent, similar lawsuit by the health records software maker.

By [Brittany Trang](#)

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More than 60 health systems have sent a letter to officials running national health record exchanges, asking them to take action to prevent “bad actors” from accessing patients’ health information. The letter follows a lawsuit last week from electronic health record company Epic, which outlined the actions of several such alleged “bad actors” in its complaint.

The letter was sent to Mariann Yeager, whose organization The Sequoia Project oversees the operations of the national health record exchange called Trusted Exchange Framework and Common Agreement, or TEFCA, under a contract with the government. As CEO of The Sequoia Project, Yeager is also responsible for the operation of TEFCA, which Sequoia runs under a contract with the government.

Because of the way the frameworks and health privacy and exchange laws are set up, anyone who claims to be a health care provider is allowed to join the network of health care providers who share patients’ electronic records and is allowed to request and receive them. This enables organizations who pose as providers to potentially obtain sensitive health records they do not have a legal right to see. That issue is at the center of the recent [Epic lawsuit against Health Gorilla](#), one of the organizations that can onboard new members onto the exchange network.

According to a STAT check of signatories’ websites, all 63 organizations that signed the letter are Epic customers or affiliated with Epic

customers. An Epic spokesperson told STAT that the letter was a “collaboration of the Epic community and was coordinated through the Epic Health Policy Workgroup, which is an informal group of organizations using Epic that meets to develop solutions to policy challenges.”

This is not the first time that Epic has tried to organize its customers to stem the flow of health information. In 2020, it tried to block the finalization of a provision in the 21st Century Cures Act that would give patients further access to their data and force health systems — and electronic health records — to make it easier to share data. Epic is currently fighting a lawsuit from health care software company CureIS alleging that the health records giant is breaking that Cures Act rule by blocking other companies from connecting to Epic’s systems and accessing their customers’ data for them.

According to a copy of the Jan. 22 letter obtained by STAT, the health systems urge both TEFCA and Carequality — a private health record exchange founded by The Sequoia Project but now an independent organization — to hire staff to vet organizations joining the network, require attestations about the business reasons for them joining the exchange, and establish ways to monitor for fraudulent behavior. The health systems note that these attestations would be legally binding if made to TEFCA because lying to a federal agency, such as TEFCA’s sponsor the Department of Health and Human Services, is a prosecutable offense.

After frustrations with drawn-out, private dispute resolutions with the networks, the health systems also want better, more public processes for mediating problems and call for a “digital health fraud task force” with both federal agencies and state attorneys general that would focus on “falsified documentation, identity impersonation, high-volume data harvesting, and more.”

The health systems also want more transparency, calling for a public directory of all parties involved on the exchanges, publicly reported metrics about how many records each party has sent and received, and a website where third parties disclose how long they keep the patient records.

“We believe the actions below are necessary to improve trust in these frameworks so that the progress we’ve made as an industry toward nationwide interoperability continues,” the letter says.

Among the letter’s signatories are OCHIN, Trinity Health, Reid Health, and UMass Memorial Health, who were co-plaintiffs on the Epic lawsuit against Health Gorilla.

An ASTP spokesperson referred STAT to Sequoia for comment. Dawn Van Dyke, Sequoia’s vice president of marketing and communications, said in an email that The Sequoia Project appreciated the community feedback and is “deeply committed to trust and patient privacy while advancing the many benefits of health data sharing for the patients’ good.”

“These recommendations will be considered along with other plans to ensure the highest level of trust in health information exchange,” she said.

She also noted, “We encourage those who signed who are active members of the various governance workgroups to make sure they share their feedback in those meetings as well.”