

Ha, Richard

From: Morris, Genevieve (OS/ONC/IO) <Genevieve.Morris@hhs.gov>
Sent: Wednesday, June 20, 2018 8:29 AM
To: O'Rourke, Peter M.
Subject: [EXTERNAL] Fwd: Update_Important Request
Attachments: External Reviewers.xlsx

See attached for the NDA list. Let me know if you have any questions.

From: "Truex, Matthew" <Matthew.Truex@va.gov>
Subject: RE: Update_Important Request
Date: 19 June 2018 08:49
To: "Windom, John H." <John.Windom@va.gov>, "Foster, Michele (SES)" <Michele.FosterSES@va.gov>, "(b) (6)" <[REDACTED]@va.gov>, "(b) (6)" <[REDACTED]@va.gov>, "(b) (6)" <[REDACTED]@va.gov>
Cc: "Sandoval, Camilo J." <Camilo.Sandoval@va.gov>, "Morris, Genevieve (OS/ONC/IO)" <Genevieve.Morris@hhs.gov>, "Zenooz, Ashwini" <Ashwini.Zenooz@va.gov>, "Short, John (VACO)" <John.Short@va.gov>, "(b) (6)" <[REDACTED]@va.gov>, "(COLONEL)" <[REDACTED]@va.gov>

John – Updated to include organization/affiliation.

Thanks,
Matt

Matthew Truex
Contracting Officer
Department of Veterans Affairs
Office of Procurement, Acquisition and Logistics
Technology Acquisition Center
23 Christopher Way
Eatontown, New Jersey 07724
Office: 732-440-9650
Mobile: 732-320-1968
e-mail: matthew.truex@va.gov



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From: Windom, John H.
Sent: Monday, June 18, 2018 5:00 PM
To: Truex, Matthew; Foster, Michele (SES); [REDACTED]
Cc: Sandoval, Camilo J.; Morris, Genevieve (OS/ONC/IO) (Genevieve.Morris@hhs.gov); Zenooz, Ashwini; Short, John (VACO); [REDACTED] (COLONEL)
Subject: RE: Update_Important Request

Matt,
Please add their organization for clarity.
Vr
John

John H. Windom, Senior Executive Service (SES)
Program Executive for Electronic Health Record Modernization (PEO EHRM)
811 Vermont Avenue NW (5th Floor Suite 5080)
Washington, DC 20420
John.Windom@va.gov
Office: (202) 461-5820
Mobile: (202) 794-4911
Executive Assistant: Ms. [REDACTED] – Appointments and Scheduling
[REDACTED]@va.gov Office: 202-382-[REDACTED]

From: [REDACTED]
Sent: Monday, June 18, 2018 4:07 PM
To: Windom, John H.; Foster, Michele (SES); [REDACTED]
Cc: Sandoval, Camilo J.; Morris, Genevieve (OS/ONC/IO) (Genevieve.Morris@hhs.gov); Zenooz, Ashwini; Short, John (VACO); [REDACTED] (COLONEL)
Subject: RE: Update_Important Request

John,

As requested, provided is a listing of non-VA employees (at that time) who were involved in the various external reviews during the EHRM acquisition phase. Listing was generated based on the numerous MITRE led reviews and White House review(s).

Thanks,
Matt

Matthew Truex
Contracting Officer
Department of Veterans Affairs
Office of Procurement, Acquisition and Logistics
Technology Acquisition Center
23 Christopher Way
Eatontown, New Jersey 07724
Office: 732-440-9650
Mobile: 732-320-1968
e-mail: matthew.truex@va.gov



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From: Windom, John H.
Sent: Saturday, June 16, 2018 1:43 AM
To: Truex, Matthew; Foster, Michele (SES); (b) (6)
Cc: Sandoval, Camilo J.; Morris, Genevieve (OS/ONC/IO) (Genevieve.Morris@hhs.gov); Zenooz, Ashwini; Short, John (VACO); (b) (6) (COLONEL)
Subject: Update_Important Request

Michele and TAC Team:

This request comes directly from the Acting Secretary in support of hearing preps. Please provide a list of names of the non-VA employees (supporting various external reviews) that have signed NDAs to review our EHRM acquisition/program documents in advance of contract award (May 17 2018).

Thank you,
John

John H. Windom, Senior Executive Service (SES)
Program Executive for Electronic Health Record Modernization (PEO EHRM)
811 Vermont Avenue NW (5th Floor Suite 5080)
Washington, DC 20420
John.Windom@va.gov
Office: (202) 461-5820
Mobile: (202) 794-4911
Executive Assistant: Ms. (b) (6) – Appointments and Scheduling
(b) (6) @va.gov Office: 202-382-(b) (6)

(b) (6)

(b) (6)

Morris Genevieve
Moskowitz Bruce

(b) (6)

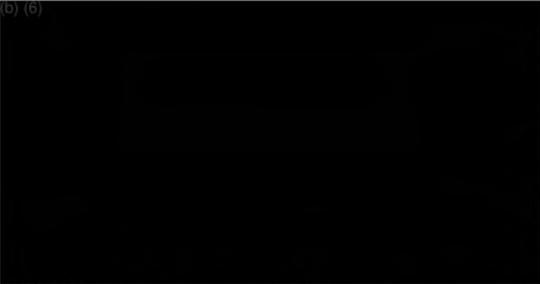
Perlmutter Ike

(b) (6)

Organization/Affiliation

US Army/DHA
CareJourney
Indiana Health Information Exchange
Mitre
Mitre
The Mayo Clinic
Mitre
Mayo Clinic
Geisinger
Kaiser Permanente
Ascension Health
Kaiser Permanente
Mitre
Lahey Health
Leavitt Parners, LLC
DHA/DHMS
Intermountain Healthcare
US Navy/SPAWAR
Massachusetts General Hospital
Mitre
Collective Medical Technologies, Inc.
University of California, Los Angeles/American College of Surgeons
Harvard Medical School/Boston's Children Hospital
Sutter Health
Massachusetts General Hospital/Partners Healthcare System
Office of the National Coordinator for Health Information Technology (ONC)
Internist/External Expert Participant
Universal Health Services
American College of Surgeons
University of Washington Medical Center
CEO Marvel Entertainment
Intermountain Healthcare
Johns Hopkins University

(b) (6)



Sherman

Marc

Mitre
Mitre
Johns Hopkins University
The Mayo Clinic
Mitre
Mitre
Mitre

Alvarez & Marsal

(b) (6)



University of Pittsburgh Medical Center
The Healthcare Information and Management Systems Society
US Air Force
University of Washington
Mitre
Mitre
Mitre
HealthSouth

Ha, Richard

From: (b) (6)
Sent: Friday, June 01, 2018 2:08 PM
To: COS-PMO; O'Rourke, Peter M.
Subject: FW: Monday's remarks at the Medical Device Registry Summit
Attachments: 2018 06 04-2 Medical Device Registry Summit.docx; Medical Device Registry Summit Program June 4 2018 - Preliminary.docx

Per your request – here are the electrons for Monday's opening remarks. Thank you.

From: (b) (6)
Sent: Friday, June 01, 2018 9:48 AM
To: COS-PMO
Cc: Hayes-Byrd, Jacquelyn; (b) (6); Tallman, Gary; Wagner, John (Wolf); Ullyot, John; (b) (6)
(b) (6) Ph.D
Subject: Monday's remarks at the Medical Device Registry Summit

Sir,

Attached and below are brief opening remarks (5 mins.) for the Medical Device Registry Summit, Monday morning, at 8:30, in Room 230.

The audience will consist of about 75 medical experts from federal agencies and the healthcare community. About one third will be from VA. The purpose of the summit is to advance collaborative efforts to create a national management and tracking system to unify, expand, and improve existing medical device registries. The main objectives of your remarks are:

- (a) to stress the importance of the collaboration and VA's commitment to its success, and
- (b) to thank our public and private partners for their participation in the summit and the effort.

Internal and external media will be present. Dr. SreyRam Kuy will introduce you. You will speak from the podium and depart immediately afterwards.

The summit's program is also attached. (b) (6) will have hardcopies for you.

V/r

(b) (6)

(b) (6) • (b) (6) • Department of Veterans Affairs • Office 202-461-(b) (6) • Cell 202-203-(b) (6)

Good morning. Thank you, Doctor [SreyRam Kuy, MD], for that introduction and for taking charge of this summit.

I'd also like to thank our key partners in this effort:

- **Dr. Danica Marinac-Dabic [dan-NEE-sa Ma-RIN-ac DA-bic] of FDA,**
- **Dr. Thomas Concannon at RAND,**
- **Dr. (b) (6) and Dr. (b) (6) (b) (6) from the Global Healthy Living Foundation.**
- **Also VA's Dr. Bruce McIntosh, (b) (6), and Acting COS Jacquelyn Hayes-Byrd and her team, who have all worked very hard to make this summit a success.**

Finally, I'd like to thank two people who are not here but who have been driving forces in the development of medical device registries — Dr. Bruce Moskowitz and Mr. Aaron Moskowitz of the Biomedical Research & Education Foundation.

A few days ago, we announced a major decision:

- to move forward with a multi-billion-dollar contract to modernize VA's electronic health records,
- by adopting the same EHR platform used by DoD,
- with a few additional functions to accommodate the special needs of Veterans.

Today we're here to talk about one way to make the most out of the new EHR system.

In the past few years, VA has worked with DoD to develop a Joint Patient Safety Reporting program to learn from reported healthcare system vulnerabilities, including the inability to identify specific patient implants.

- Now we're looking to expand that collaboration to include the Food & Drug Administration (FDA) and the Centers for Medicare and Medicaid Services (CMS), as well as our Community Care partners.**
- So we have organized this summit to bring together industry and academic leaders and sister-agency experts to map out a strategy for launching the largest medical device-implant tracking program in the Nation.**

Medical devices are a \$170 billion business, accounting for 6 percent of U.S. health spending in 2013.

- Implantable device sales are estimated to have been \$43 billion in 2011 and are expected to reach \$74 billion this year.**

But for all that money, it's hard to know what works best for patients — and what puts them at greater risk.

- Current tracking systems don't provide enough clinical detail, or they aren't linked to VA's EHR system.**
- Adverse Event Reports are mandatory for hospitals and manufacturers, but they don't provide enough information for us to tell which patients are affected.**

The solution is a nationwide medical implant registry that enables us to identify and manage patients with implanted medical devices and biological implants, no matter where they receive their care.

Such a system would enable us to —

- **measure quality & compare outcomes,**
- **monitor patient safety,**
- **recall faulty devices,**
- **notify patients about safety recalls,**
- **know the exact device in question when patient shows up in ER with complications,**
- **and track clinical follow-up.**

The system must be implementable in the short term via VA's CPRS and VistA, *and* able to interface in the long term with VA's new EHR system.

With a well-managed medical device tracking system, and a fully integrated EHR system linking VA and DoD and our Community Care providers:

- **We will know, from day one, what implants a Veteran has received on active duty, so nothing is lost when a Veteran enters our care.**
- **We will know how those implants have performed for each Veteran.**
- **We will also know how the same implants have performed for all other Veterans and active-duty servicemembers.**
- **We will be able to identify and address the concerns of individual Veterans about their implants.**
- **We will also be able to see whether other patients have experienced the same issues, to better assess the risk.**

- **And we will be able to share that information with other providers and with device manufacturers, which will mean both better design and better use of implants.**

The result will be safer, more efficient, more patient-centered care — not just for Veterans, but for all implant recipients.

Congress has mandated that we track medical implants, and this administration is committed to fielding the very best, inclusive, patient-centered implant tracking system.

We can't do that without the collaboration of our sister agencies and nongovernmental partners.

- **So we greatly appreciate your participation in this summit.**

Thank you for being here. I look forward to hearing about your discussions later.

###

Good morning. Thank you, Doctor [SreyRam Kuy, MD], for that introduction and for taking charge of this summit.

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- **Dr. Thomas Concannon at RAND,**
- **Dr. ^{(b) (6)} [REDACTED] and Dr. ^{(b) (6)} [REDACTED] [REDACTED]]**
from the Global Healthy Living Foundation.
- **Also VA's Dr. Bruce McIntosh, ^{(b) (6)} [REDACTED], and Acting COS Jacquelyn Hayes-Byrd and her team, who have all worked very hard to make this summit a success.**

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- **So we greatly appreciate your participation in this summit.**

Thank you for being here. I look forward to hearing about your discussions later.

###



DEPARTMENT OF VETERANS AFFAIRS
810 Vermont Avenue NW
Washington, DC 20571

Medical Device Registry Summit

GV (Sonny) Montgomery Veterans Auditorium, Room 230
810 Vermont Avenue, NW
Washington, DC 20420

June 4, 2018
8:30 a.m. – 4:30 p.m.

8:30 a.m. Welcome and Introduction of Participants and Organizations*
Acting Secretary of VA Peter O'Rourke

8:45 a.m. – 10 a.m. Session 1: Value for Stakeholders

Objective: To describe value of medical device registries to major stakeholders; identify the gaps; prioritize opportunities

Patient Perspective

Christine Stake, Patient Governor, the ArthritisPower Patient Research Registry

Leveraging the Medical Device Ecosystem

Rachael Fleurence Ph.D., National Evaluation System for Health Technologies

Value Roundtable Discussion

Moderator: SreyRam Kuy, MD

- Veterans Affairs (VA) Acting Secretary Peter O'Rourke
- Food and Drug Administration (FDA) Commissioner Scott Gottlieb, MD
- Jeff Shuren, MD, PhD, Director, Center for Devices and Radiological Health
- Centers for Medicare and Medicaid Services Administrator Seema Verma (tentative)
- American Medical Association, Kathleen Blake, MD



10 a.m. – 11:30 a.m. Session 2: VA Landscape

Objective: Share examples of successful device monitoring at VA, registry infrastructure at VA and present the vision for the future

Moderator: Danica Marinac-Dabic, MD, PhD, MMSC, FISPE – FDA

- ✓ Current Cardiac Device Monitoring in the VA
 - Merritt H. Raitt, MD, Director, National Cardiac Device Surveillance Program, Veterans Health Affairs (VHA)
- ✓ Improving Device Surveillance by Analyzing Passively Collected Electronic Health Record Data
 - Nicholas Giori, MD, PhD, Chief of Orthopedic Surgery, VA Palo Alto Health Care System
- ✓ Medical Device Tracking in Cardiology: The integration of Real Time Locations System into The Clinical Assessment, Reporting, and Tracking System (CART) for Cardiac Catheterization Laboratories
 - (b) (6), MD
CART Program
- ✓ Building Future-State Model for VHA Implant Tracking
 - Bruce McIntosh, PharmD, VA National Manager, Product Recall Office, National Center for Patient Safety

Panel Discussion: Speakers + Kristi Mitchell (Avalere Health)

11:30 a.m. – 12:30 p.m. Lunch Break

12:30 p.m. – 2 p.m. Session 3: Infrastructure/Methodology Opportunities for Standing Up a Medical Device Registry – Short and Long-Term

Moderator: Sharon-Lise Normand, PhD (Harvard Medical School/Harvard School of Public Health)

Objective: To identify key national and international efforts in the device space that can be leveraged for the development of a Medical Device Registry; present short- and long-term opportunities

- ✓ Unique Device Identifier implementation efforts
 - Terrie Reed (FDA)
- ✓ Strategically Coordinated Registry Networks – Linking Registries with other data sources
 - Art Sedrakyan, MD, PhD (Cornell/MDEpiNet)
- ✓ Harmonization Efforts with National/International Registries
 - Danica Marinac-Dabic, MD, PhD, MMSC, FISPE (FDA/Center for Devices and Radiological Health (CDRH))
- ✓ Patient -enabled evidence generation
 - Harlan Krumholz, MD (Yale University)
- ✓ Active Surveillance via DELTA in National Registries
 - (b) (6), MD (Lahey Clinic)

Panel Discussion: Speakers + Vahan Simonyan, PhD (FDA)

2 p.m. – 3:15 p.m. Session 4: From the Conceptual Framework to the Developmental Efforts and Sustainability

Moderator: Thomas Concannon, PhD (RAND)

Objective: How to begin development of the framework for a Medical Device Registry

- ✓ Who should be at the table: What can we learn from Vascular Quality Initiative?
 - Jack Cronenwett, MD (Dartmouth)
- ✓ How to build in the sustainability: Return of Investment Multi-stakeholder Analysis
 - Greg Pappas, MD, PhD (FDA/CDRH)
- ✓ Privacy/Ethics issues
 - Robert M Portman, JD (Powers, Pyles, Sutter and Verville PC)
- ✓ Topic TBD
 - (b) (6), MD, PhD, FCCM (United Healthcare)

Panel Discussion: Speakers + Julia Skapik, MD (Cognitive Medical Systems)

3:15 p.m. – 4:30 p.m. Panel: Pulling it All Together

Objective: To summarize key points in the next steps toward building a Medical Device Registry

Moderator: Harlan Krumholz, MD (Yale University)

Panel: Bruce McIntosh, PharmD (VA)
Art Sedrakyan, MD (Weill Cornell Medical College)
Danica Marinac-Dabic, MD, PhD (FDA)
Rachael Fleurence, PhD (National Evaluation System for Health Technology Coordinating Center)

Closing Remarks

VA Leadership – Dr. Carolyn Clancy

Questions?

Contact:

SreyRam Kuy, MD
Special Advisor, Office of the Secretary
Department of Veterans Affairs
SreyRam.Kuy@va.gov (713) 503-4274

Ha, Richard

From: O'Rourke, Peter M.
Sent: Monday, June 18, 2018 11:34 PM
To: (b) (6)
Cc: (b) (6)
Subject: RE: [EXTERNAL] Re: College of Surgeons contact information

I'll work out a time tomorrow and let you know.

Thank you.

From: (b) (6)
Sent: Monday, June 18, 2018 8:06:05 PM
To: O'Rourke, Peter M.; Bruce Moskowitz
Cc: (b) (6)
Subject: RE: [EXTERNAL] Re: College of Surgeons contact information

Hi Pete.....good to meet you.....is there any time on Wednesday that works for you.....i can work around your schedule.....Dave

-----Original Message-----

From: O'Rourke, Peter M. [<mailto:Peter.ORourke@va.gov>]

Sent: Monday, June 18, 2018 5:46 PM

To: Bruce Moskowitz <(b) (6)@mac.com>

Cc: (b) (6)@facs.org>; (b) (6)@baptisthealth.net>; (b) (6)@facs.org>; (b) (6)@facs.org>

Subject: RE: [EXTERNAL] Re: College of Surgeons contact information

Thank you Bruce.

Dr. (b) (6) good to meet you. I'd like to schedule some time for us to have a call. When would be a good time?

Pete

From: Bruce Moskowitz
Sent: Monday, June 18, 2018 3:33:56 PM
To: O'Rourke, Peter M.
Cc: (b) (6)@facs.org; (b) (6)@facs.org
Subject: [EXTERNAL] Re: College of Surgeons contact information

Thank you I have provided an introduction to Dr. David Hoyt and his excellent group at the American College of Surgeons who offered their assistance for the VA inspections.

Sent from my iPad
Bruce Moskowitz M.D.

> On Jun 18, 2018, at 5:59 PM, O'Rourke, Peter M. <Peter.ORourke@va.gov> wrote:
>
> Dr. Moskowitz,
>

> Can you provide me a point of contact at the College of Surgeons that I can talk to about independent inspections of VA facilities? I don't know anyone there so a point of contact would be very helpful.

>

> Thank you,

> Peter

>

> Acting Secretary

> Department of Veterans Affairs

>

Ha, Richard

From: Sandoval, Camilo J.
Sent: Friday, May 04, 2018 2:16 AM
To: (b) (5); Hayes-Byrd, Jacquelyn; O'Rourke, Peter M.
Subject: RE: Please Review Tonight
Attachments: [EXTERNAL] RE: VA EHR NDA; [EXTERNAL] NDA.pdf; [EXTERNAL] Re: VA EHR NDA

And in case anyone ask, here are the signed NDA's of Ike, Bruce, and Marc.

From: Sandoval, Camilo J.
Sent: Friday, May 04, 2018 2:12 AM
To: (b) (5); Hayes-Byrd, Jacquelyn; O'Rourke, Peter M.
Subject: RE: Please Review Tonight

Pete—

This request from members of congress is based on inaccurate reporting by Arthur Allen from Politico, which was fueled by (b) (5)

[REDACTED]

A key question Arthur Allen and interested members of congress should investigate and write about is, why did (b) (5)

[REDACTED]

And for the record, it was a team of top medical CIOs and practitioners—put together by Ike Perlmutter and Bruce Moskowitz—who identified the flaws in the contract and made the recommendations, not MITRE. (b) (5)

[REDACTED]

(b) (5)

From: [REDACTED]
Sent: Thursday, May 03, 2018 7:31 PM
To: Sandoval, Camilo J.; Hayes-Byrd, Jacquelyn; O'Rourke, Peter M.
Subject: RE: Please Review Tonight

Good info Cam, we may want to remind the interested parties of that.

From: Sandoval, Camilo J.
Sent: Thursday, May 03, 2018 4:13:22 PM
To: Hayes-Byrd, Jacquelyn; O'Rourke, Peter M.; (b) (5)
Subject: RE: Please Review Tonight

Thank you Jacquie. If we go back to Shulkin's EHRM hearing testimony, he mentions under oath that he and Scott Blackburn requested outside, non-governmental help from the top 5 Medical CIO's. These experts are who alerted him to the many interoperability issues previously unknown to Cerner or VA staff.

From: Hayes-Byrd, Jacquelyn
Sent: Thursday, May 03, 2018 5:42 PM
To: O'Rourke, Peter M.; Sandoval, Camilo J.; (b) (6)
Subject: Please Review Tonight

Please see these two documents tonight as the Dep Sec provided this to Colonel (b) (6) late this afternoon. And (b) (6) will be giving it to the Secretary first in the a.m. don't want you to be blindsided and I would like for you to be prepared to discuss.

Jacquie

From: (b) (6)
Sent: Thursday, May 03, 2018 5:32 PM
To: Hayes-Byrd, Jacquelyn
Subject: REQUESTED SCAN

(b) (6)
Special Assistant
Office of the Secretary
810 Vermont Ave, NW
Washington, DC 20420
202-461-(b) (6) (O)
(b) (6)@va.gov

VA Core Values: Integrity, Commitment, Advocacy, Respect, and Excellence—I CARE

Ha, Richard

From: IP <[REDACTED]@frenchangel59.com>
Sent: Tuesday, March 13, 2018 2:07 PM
To: Marc Sherman; Blackburn, Scott R. (DISABLED ACCT)
Cc: [REDACTED] (b) (6) @gmail.com; Bruce Moskowitz; Truex, Matthew; Windom, John H.; DJS
Subject: [EXTERNAL] RE: VA EHR NDA
Attachments: Perlmutter.EHR NDA v2 mbs.pdf

Attached is my signed NDA. Thank you.

From: Marc Sherman [mailto:[REDACTED] (b) (6) @gmail.com]
Sent: Tuesday, March 13, 2018 1:40 PM
To: Blackburn, Scott R.
Cc: IP: [REDACTED] (b) (6) @gmail.com; Bruce Moskowitz; Truex, Matthew; Windom, John H.; DJS
Subject: Re: VA EHR NDA

Scott, Matt and John

Thank you for the NDA draft that you sent along and the organized approach. I have attached the following to close the loop:

1. a marked up version of the NDA with a few necessary adjustments in red-line so you can see the changes that were made,
2. a blank copy of the amended NDA for Bruce and Ike to sign, and
3. a signed version by me of the amended NDA.

Thanks and happy to help as requested.

Marc

On Tue, Mar 13, 2018 at 10:31 AM, Blackburn, Scott R. <Scott.Blackburn@va.gov> wrote:

Ike, Bruce, Marc:

Thank each of you for agreeing to lend an extra set of outside eyes on the EHR contract. We appreciate your support and want to make sure we get to the best place possible for Veterans, the country and taxpayers. As we are incredibly grateful to you for volunteering your time, we want to make this as easy as possible for you. Here are 3 next steps.

- 1) We will need you to sign the attached NDA. Please return to Matt Truex (cc'd).
- 2) Matt will then send you the latest package under separate cover.

3) Given government contracts are different than what you are used to reading, we would propose a quick phone call so that we can orient you to the contract and help focus you on the parts where your expertise will be most valuable. Matt Truex (who is the government contracting officer) and John Windom (who is our EHR leader) will lead this from our side. I will ask [REDACTED] (cc'd) here to help set up a time. We can either do this all together, if calendars match up, or separately if need be.

We have also connected with [REDACTED], and [REDACTED] who all have all received the NDA and we are working with them. I am hoping to connect with Dr. [REDACTED] today.

Thanks again!

Scott

Scott Blackburn

Acting CIO & Executive-in-Charge, Office of Information & Technology

Department of Veterans Affairs

NON-DISCLOSURE AGREEMENT (Dated March 13, 2018)

1. I acknowledge that I have been selected to participate in the planning for an electronic health record acquisition. In the course of participating in this acquisition, I may be or have been given access to or entrusted with Source Selection Information (as defined in Federal Acquisition Regulation (FAR) 2.101 and 3.104), and/or other sensitive Government data marked as "proprietary" (e.g., restrictive legend per FAR 52.215-1) that I cannot release to others nor can I use for the financial benefit of others or myself.

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2. I understand that 41 U.S.C. § 423, commonly referred to as the Procurement Integrity Act, and now codified at U.S.C.A. §§ 2101-2107, and provisions FAR 3.104 govern the release of proprietary and source selection information. As it relates to the information that has been made available to me pursuant to this Non-Disclosure Agreement, I certify that I will not disclose any contractor bid, solicitation, proprietary, or Source Selection Information directly or indirectly to any person other than the President of the United States or a member of his administration to whom the President authorizes, another person subject to an equally restrictive Non-Disclosure Agreement related to the subject matter of this Agreement, the Secretary of the Department of Veterans Affairs or a person authorized by the head of agency or the contracting officer to receive such information. I understand that unauthorized disclosure of such information may subject me to substantial administrative, civil and criminal penalties, including fines, imprisonment, and loss of employment under the Procurement Integrity Act or other applicable laws and regulations.

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4. These provisions are consistent with, and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing statute or Executive order relating to (1) classified information, (2) communications to Congress, (3) the reporting to an Inspector General of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive orders and statutory provisions are incorporated into this agreement and are controlling. These statutes and Executive orders include the following:

NON-DISCLOSURE AGREEMENT

Planning for an electronic health record acquisition

Dated Tuesday March 13, 2018

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-
- Executive Order No. 12958;
 - The Privacy Act (5 U.S.C. § 552a);
 - The Trade Secrets Act (18 U.S.C. § 1905);
 - Section 7211 of title 5, United States Code (governing disclosures to Congress);
 - Section 1034 of title 10, United States Code, as amended by the Military Whistleblower Protection Act (governing disclosure to Congress by members of the military);
 - Section 2302(b)(8) of title 5, United States Code, as amended by the Whistleblower Protection Action (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats);
 - The Intelligence Identities Protection Act of 1982 (50 U.S.C. § 421 *et seq.*) (governing disclosures that could expose confidential Government agents); and
 - The statutes which protect against disclosure that may compromise the national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Act of 1950 (50 U.S.C. § 783(b)).

Additionally, pursuant to 38 Code of Federal Regulations 1.201, all VA employees with knowledge or information about actual or possible violations of criminal law related to VA programs, operations, facilities, contracts, or information technology systems shall immediately report such knowledge or information to their supervisor, any management official, or directly to the Office of Inspector General.

Signature



Name Printed: Isaac Perlmutter

Organizational Conflict(s) of Interest (OCIs):

Ha, Richard

From: Bruce Moskowitz <(b) (6)@mac.com>
Sent: Tuesday, March 13, 2018 2:59 PM
To: Blackburn, Scott R. (DISABLED ACCT); Truex, Matthew; Windom, John H.
Cc: DJS; IP; (b) (6)@gmail.com
Subject: [EXTERNAL] NDA.pdf
Attachments: NDA.pdf

Sent from my iPad
Bruce Moskowitz M.D.

NON-DISCLOSURE AGREEMENT (Dated March 13, 2018)

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Planning for an electronic health record acquisition

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Signature



BRUCE MOSKOWITZ, M.D.
411 N. FLAGLER DR., #7100
WEST PALM BEACH, FL 33401

Name Printed: Bruce Moskowitz, MD

Organizational Conflict(s) of Interest (OCIs):

Ha, Richard

From: Marc Sherman <[REDACTED]@gmail.com>
Sent: Tuesday, March 13, 2018 1:40 PM
To: Blackburn, Scott R. (DISABLED ACCT)
Cc: IP; [REDACTED]@gmail.com; Bruce Moskowitz; Truex, Matthew; Windom, John H.; DJS
Subject: [EXTERNAL] Re: VA EHR NDA
Attachments: EHR NDA v2.pdf; EHR NDA v2 mbs.pdf; EHR NDA v2 RL.pdf

Scott, Matt and John

Thank you for the NDA draft that you sent along and the organized approach. I have attached the following to close the loop:

1. a marked up version of the NDA with a few necessary adjustments in red-line so you can see the changes that were made,
2. a blank copy of the amended NDA for Bruce and Ike to sign, and
3. a signed version by me of the amended NDA.

Thanks and happy to help as requested.

Marc

On Tue, Mar 13, 2018 at 10:31 AM, Blackburn, Scott R. <Scott.Blackburn@va.gov> wrote:

Ike, Bruce, Marc:

Thank each of you for agreeing to lend an extra set of outside eyes on the EHR contract. We appreciate your support and want to make sure we get to the best place possible for Veterans, the country and taxpayers. As we are incredibly grateful to you for volunteering your time, we want to make this as easy as possible for you. Here are 3 next steps.

- 1) We will need you to sign the attached NDA. Please return to Matt Truex (cc'd).
- 2) Matt will then send you the latest package under separate cover.
- 3) Given government contracts are different than what you are used to reading, we would propose a quick phone call so that we can orient you to the contract and help focus you on the parts where your expertise will be most valuable. Matt Truex (who is the government contracting officer) and John Windom (who is our EHR leader) will lead this from our side. I will ask Liz Callaghan (cc'd) here to help set up a time. We can either do this all together, if calendars match up, or separately if need be.

We have also connected with Stephanie Reel, Stan Huff, Dr. Karson, Dr. Ko, Dr. Shretha, and Jon Manis who all have all received the NDA and we are working with them. I am hoping to connect with Dr. Cooper today.

Thanks again!

Scott

Scott Blackburn

Acting CIO & Executive-in-Charge, Office of Information & Technology

Department of Veterans Affairs

NON-DISCLOSURE AGREEMENT (Dated March 13, 2018)

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Section 1034 of title 10, United States Code, as amended by the Military Whistleblower Protection Act (governing disclosure to Congress by members of the military);

Section 2302(b)(8) of title 5, United States Code, as amended by the Whistleblower

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Dated Tuesday March 13, 2018

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Protection Action (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats);

The Intelligence Identities Protection Act of 1982 (50 U.S.C. § 421 *et seq.*) (governing disclosures that could expose confidential Government agents); and

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Signature:

Name Printed:

~~Title: Organization:~~

Organizational Conflict(s) of Interest (OCIs):

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Name Printed:

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Planning for an electronic health record acquisition

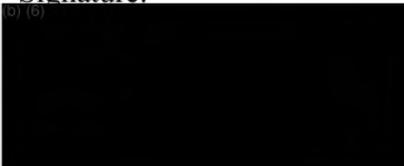
Dated Tuesday March 13, 2018

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Signature:

(b) (6)


Name Printed: Marc Sherman

Organizational Conflict(s) of Interest (OCIs):

Ha, Richard

From: Sandoval, Camilo J.
Sent: Friday, June 22, 2018 8:00 AM
To: O'Rourke, Peter M.
Subject: RE: Update_Important Request
Attachments: External Reviewers.xlsx

I noticed [REDACTED] is not on this list, yet he had access to sensitive acquisition information even before being a sub for Mitre.

From: Truex, Matthew
Sent: Tuesday, June 19, 2018 9:48 AM
To: Windom, John H.; Foster, Michele (SES); [REDACTED]
Cc: Sandoval, Camilo J.; Morris, Genevieve (OS/ONC/IO) (Genevieve.Morris@hhs.gov); Zenooz, Ashwini; Short, John (VACO); [REDACTED]. (COLONEL)
Subject: RE: Update_Important Request

John – Updated to include organization/affiliation.

Thanks,
Matt

Matthew Truex
Contracting Officer
Department of Veterans Affairs
Office of Procurement, Acquisition and Logistics
Technology Acquisition Center
23 Christopher Way
Eatontown, New Jersey 07724
Office: 732-440-9650
Mobile: 732-320-1968
e-mail: matthew.truex@va.gov



“For Internal VA Use Only – Working Draft, Pre-Decisional, Deliberative Document: This e-mail and any attachments are intended only for the use of the addressee(s) named herein and may contain privileged and/or confidential information. If you are not the intended recipient of this e-mail, you are hereby notified that any dissemination, distribution or copying of this e-mail, and any attachments thereto, is strictly prohibited. If you have received this e-mail in error, please notify me via return e-mail or telephone (732) 440-9650, and permanently delete the original and any copy of any e-mail and any printout thereof.”

From: Windom, John H.
Sent: Monday, June 18, 2018 5:00 PM
To: Truex, Matthew; Foster, Michele (SES); [REDACTED]
Cc: Sandoval, Camilo J.; Morris, Genevieve (OS/ONC/IO) (Genevieve.Morris@hhs.gov); Zenooz, Ashwini; Short, John (VACO); [REDACTED]. (COLONEL)
Subject: RE: Update_Important Request

Matt,
Please add their organization for clarity.
Vr
John

John H. Windom, Senior Executive Service (SES)
Program Executive for Electronic Health Record Modernization (PEO EHRM)
811 Vermont Avenue NW (5th Floor Suite 5080)
Washington, DC 20420
John.Windom@va.gov
Office: (202) 461-5820
Mobile: (202) 794-4911
Executive Assistant: Ms. [REDACTED] – Appointments and Scheduling
[REDACTED]@va.gov Office: 202-382-[REDACTED]

From: Truex, Matthew
Sent: Monday, June 18, 2018 4:07 PM
To: Windom, John H.; Foster, Michele (SES); [REDACTED]
Cc: Sandoval, Camilo J.; Morris, Genevieve (OS/ONC/IO) (Genevieve.Morris@hhs.gov); Zenooz, Ashwini; Short, John (VACO); [REDACTED]. (COLONEL)
Subject: RE: Update_Important Request

John,

As requested, provided is a listing of non-VA employees (at that time) who were involved in the various external reviews during the EHRM acquisition phase. Listing was generated based on the numerous MITRE led reviews and White House review(s).

Thanks,
Matt

Matthew Truex
Contracting Officer
Department of Veterans Affairs
Office of Procurement, Acquisition and Logistics
Technology Acquisition Center
23 Christopher Way
Eatontown, New Jersey 07724
Office: 732-440-9650
Mobile: 732-320-1968
e-mail: matthew.truex@va.gov



“For Internal VA Use Only – Working Draft, Pre-Decisional, Deliberative Document: This e-mail and any attachments are intended only for the use of the addressee(s) named herein and may contain privileged and/or confidential information. If you are not the intended recipient of this e-mail, you are hereby notified that any dissemination, distribution or copying of

this e-mail, and any attachments thereto, is strictly prohibited. If you have received this e-mail in error, please notify me via return e-mail or telephone (732) 440-9650, and permanently delete the original and any copy of any e-mail and any printout thereof."

From: Windom, John H.
Sent: Saturday, June 16, 2018 1:43 AM
To: Truex, Matthew; Foster, Michele (SES); [REDACTED]
Cc: Sandoval, Camilo J.; Morris, Genevieve (OS/ONC/IO) (Genevieve.Morris@hhs.gov); Zenooz, Ashwini; Short, John (VACO); [REDACTED]. (COLONEL)
Subject: Update_Important Request

Michele and TAC Team:

This request comes directly from the Acting Secretary in support of hearing preps. Please provide a list of names of the non-VA employees (supporting various external reviews) that have signed NDAs to review our EHRM acquisition/program documents in advance of contract award (May 17 2018).

Thank you,

John

John H. Windom, Senior Executive Service (SES)
Program Executive for Electronic Health Record Modernization (PEO EHRM)
811 Vermont Avenue NW (5th Floor Suite 5080)
Washington, DC 20420
John.Windom@va.gov
Office: (202) 461-5820
Mobile: (202) 794-4911
Executive Assistant: Ms. [REDACTED] – Appointments and Scheduling
[REDACTED]@va.gov Office: 202-382-[REDACTED]

<u>LAST</u>	<u>FIRST</u>	<u>Organization/Affiliation</u>
(b) (6)		US Army/DHA
		CareJourney
		Indiana Health Information Exchange
		Mitre
		Mitre
		The Mayo Clinic
		Mitre
		Mayo Clinic
		Geisinger
		Kaiser Permanente
		Ascension Health
		Kaiser Permanente
		Mitre
		Lahey Health
		Leavitt Partners, LLC
		DHA/DHMS
		Intermountain Healthcare
(b) (6)		US Navy/SPAWAR
		Massachusetts General Hospital
		Mitre
		Collective Medical Technologies, Inc.
		University of California, Los Angeles/American College of Surgeons
		Harvard Medical School/Boston's Children Hospital
		Sutter Health
		Massachusetts General Hospital/Partners Healthcare System
Morris	Genevieve	Office of the National Coordinator for Health Information Technology (ONC)
Moskowitz	Bruce	Internist/External Expert Participant
(b) (6)		Universal Health Services
		American College of Surgeons
		University of Washington Medical Center
Perlmutter	Ike	CEO Marvel Entertainment
(b) (6)		Intermountain Healthcare
		Johns Hopkins University
		Mitre
		Mitre
		Johns Hopkins University
		The Mayo Clinic
		Mitre
		Mitre
		Mitre
Sherman	Marc	Alvarez & Marsal
(b) (6)		University of Pittsburgh Medical Center
		The Healthcare Information and Management Systems Society
		US Air Force
		University of Washington
		Mitre
		Mitre
		Mitre
		HealthSouth