

March 28, 2022

John Ohanian
Chief Data Officer
California Health & Human Services Agency
1205 O St.
Sacramento, CA 95814

Subject: Draft Data Exchange Framework: Legislative Update

Dear John:

We appreciate the opportunity to provide feedback on the draft Legislative Update on the data exchange framework. We are concerned that the current draft is incomplete, and potentially misleading, and offer the following suggestions for improvement.

The report provides an overview of the various items presented to the Advisory Group — associated timelines, and the status of the Data Sharing Agreement and Digital Identities Strategy required by Assembly Bill 133 — through a simple compilation of the presentations to the Advisory Group (which are already publicly available). Missing is any context for the presentation materials and any summary of the Advisory Group’s discussions, issues, and concerns raised during the meetings or provided in writing by Advisory Group members.

- Add an introduction to the report that provides context. As noted in your email to the Advisory Group, the Legislative Update “provides an overview of the components, development processes, and timelines of the DxF, the Data Sharing Agreement and Policies and Procedures, and the Digital Identities Strategy. It includes summaries of the gaps and opportunities we have discussed. It does not include new proposals that have not been discussed with the Advisory Group or Data Sharing Agreement Subcommittee.” Including a more formal, fleshed-out introduction characterizing the contents of the report, would be helpful.
- Add a summary of the Advisory Group’s key conversations and input. Without this, the report does not contain any discussion of the issues raised during the Advisory Group meetings or provided in writing after the meetings. For example, during the March 2022 meeting, many Advisory Group members raised serious concerns with the proposed governance and enforcement structures. In subsequent conversations with Health & Human Services (HHS) Agency staff, certain Advisory Group members were told that the agency will be “withdrawing the proposal and starting over.” While there is a note in the report suggesting that the model may change, the proposal remains part of the report, and the language does not clarify that HHS is withdrawing the proposal and planning to bring new items for discussion in April.

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In addition to any context or some summary of the Advisory Group's discussion, we are concerned that the draft report, in places, overstates the Advisory Group's discussions.

- Slide 12 notes that, "The AG continues to consider and endorse recommendations to address key data exchange gaps." While the Advisory Group has discussed much of the content included in the report, it has not endorsed any of the proposals in the report.
- Slide 17 states, "At its January meeting, the AG identified opportunities to address gaps in data exchange standards, provider identity management, and consumer data access." While these opportunities were presented to the Advisory Group, these options and solutions were not recommended by any members.

We ask that staff review the draft again, include additional context, remove any statements related to the Advisory Group endorsing or identifying solutions, and include the Advisory Group's feedback on proposals put forth by HHS to inform the Legislature more appropriately.

Sincerely,



Carmela Coyle
President & CEO
California Hospital Association



Erica Murray
President and CEO
California Association of Public Hospitals

cc: Mark Ghaly, Secretary, California Health & Human Services Agency
Marko Mijic, Undersecretary, California Health & Human Services Agency
Richard Figueroa, Deputy Cabinet Secretary, Office of the Governor