



**California Health & Human Services Agency  
Center for Data Insights and Innovation  
Data Exchange Framework Stakeholder Advisory Group  
Data Sharing Agreement Subcommittee  
Meeting 6 (April 26, 2022, 12:00PM – 2:30PM PT)  
Chat Log**

**The following comments were made in the Zoom chat log by Data Sharing Agreement Subcommittee Members during the April 26<sup>nd</sup> virtual meeting:**

15:08:20 From Ashish Atreja to Hosts and panelists:

Ashish Atreja UC Davis health has also joined in

15:14:10 From Lane, Steven MD MPH to Everyone:

Well done!

15:22:37 From Jenn Behrens to Everyone:

Doesn't the inclusion of Part 2 data also implicate the need for administrative tracking of QSOAs?

15:23:01 From Elizabeth Killingsworth to Everyone:

I'll echo that, realistically, Part 2 data will likely not see high rates of exchange with the current framework

15:23:11 From Jenn Behrens to Everyone:

Concur

15:26:03 From Lane, Steven MD MPH to Everyone:

The Q&A function in Zoom seems to be disabled.

15:26:30 From Lammot du Pont to Hosts and panelists:

Thank you Steven. We will look into it.

15:26:35 From Lisa Matsubara (she/her) to Everyone:

how would we ensure proper authorizations for records for minors?

15:26:58 From Lammot du Pont to Everyone:

Thank you Steven. We will look into it.

15:27:58 From Lane, Steven MD MPH to Everyone:

Is it too much to hope that the first iteration of this agreement should facilitate the exchange of Part 2 data and consents? Should we perhaps leave this for a Phase 2 given its complexity?

15:29:58 From Lane, Steven MD MPH to Everyone:

Requiring an authorization when it is not otherwise required by law could be Information Blocking for covered actors under the ONC Cures Act Final Rule.

15:30:00 From Elaine Scordakis to Hosts and panelists:

Following is the link to the State Health Information Guidance related to exchanging behavioral health information that Morgan referenced:

<https://www.chhs.ca.gov/wp-content/uploads/2021/09/State-Health-Information-Guidance-Vol-1.1-September-2021.pdf>

15:30:09 From Alice H., Manatt Events to Everyone:

Hi Steven, Zoom capabilities only allow Q&A functionality for "attendees" - today, members of the public. Subcommittee members can enter questions into the chat, and members of the public can use the Q&A.

15:37:51 From Eric Raffin (he/him) to Everyone:

To Deven's point, an expansion of the SHIG would be a way to go

15:43:30 From Steven Lane (Sutter Health) to Everyone:

Under Section 7, what happens if a participant has technology that can exchange with other, e.g., Direct messaging, but the other participant has not implemented this capability. Does the section require the first participant to utilize a 3rd party exchange?

15:45:24 From Steven Lane (Sutter Health) to Everyone:

+1 to Deven's statement that a directory is required and its population and maintenance should be required.

15:47:49 From Steven Lane (Sutter Health) to Everyone:

As far as I know, there is no requirement to populate or maintain any of the national directories. This is an opportunity for CA to move to the forefront of truly functional interoperability.

15:57:30 From Steven Lane (Sutter Health) to Everyone:

It is worth highlighting the fact that this agreement extends HIPAA requirements to participants which are not covered entities or BAAs under HIPAA itself - a significant positive step for the Dx/F.

15:58:40 From Elizabeth Killingsworth to Everyone:

Agreed that extending HIPAA requirements is a significant plus to this agreement

15:59:31 From Steven Lane (Sutter Health) to Everyone:

Section 8 c seems to clearly state that participating Social Service orgs must comply with HIPAA privacy and security requirements. I support this.

15:59:42 From Lee Tien to Everyone:

I have to run but I support extending HIPAA requirements to all entities.

16:00:17 From Terry Wilcox to Everyone:

I agree it should extend HIPAA requirements to all entities

16:00:45 From Lisa Matsubara (she/her) to Everyone:

Agree this would address some of the compliance issues for covered entities.

16:10:47 From Elaine Ekpo to Everyone:

My understanding is that contracting with a non-HIPAA covered entity to share data pursuant to a HIPAA standard would not permit OCR to enforce HIPAA against

that entity. However, it establishes privity of contract between the entities for the contractually agreed upon standards (and allows for a breach of contract claim if violated)

16:48:47 From Steven Lane (Sutter Health) to Everyone:

I am NOT sure that EVERY participant in this agreement could be expected to have cyberliability insurance.

16:53:45 From Ashish Atreja to Hosts and panelists:

Second the approach for ability to elevate concerns including about liability to governance entity

16:56:59 From Justin Yoo (he/him) to Everyone:

The meeting deck and draft DSA and P&Ps documents are available on the CalHHS website at: <https://www.chhs.ca.gov/data-exchange-framework/#data-sharing-agreement-subcommittee-upcoming-meeting-materials>

16:57:34 From Sanjay Jain to Everyone:

What are the consequences for those participants who do not start data exchange by Jan 31, 2024?

17:25:41 From Elizabeth Killingsworth to Everyone:

I'm going to have to leave shortly, but want to highlight three concerns with permitted/required exchange (policy 6) : (1) Some of the required elements should be proactive supply of data (ADT, for example), not just in response to a request (2) Whether an entity is requesting a certain kind of data should not determine whether they are required to provide it. Required elements should be required, period. (3) when we initially considered subdividing Operations, we were basing that on TEFCA, but TEFCA has since gone another direction. Are we sure we still want to parse the uses?

17:30:03 From Steven Lane (Sutter Health) to Everyone:

Many provider organizations will have significant concerns about a requirement to proactively provide ADT data beyond the existing CMS requirement to provide this to a patient's identified providers at the time of hospital encounters.

17:30:25 From Steven Lane (Sutter Health) to Everyone:

Have to see patients. Thanks!

17:31:55 From Belinda Waltman, MD to Everyone:

Similarly, wanted to add thoughts on the Permitted/Required/Prohibited Purpose P&P: 1) as we discussed earlier, it would be helpful to expand this P&P and explicitly name Part 2 and other specially-protected data types under applicable law. 2) Under Prohibited purposes, it says "unless permitted by Applicable Law OR the DSA" but because the DSA won't override applicable law, this might be confusing and could be reworded to clarify.