

June 1, 2022

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

**Subject: Draft Data Sharing Agreement**

Dear John:

We appreciate the opportunity to provide feedback on the draft Data Sharing Agreement (DSA) and accompanying Policies and Procedures documents sent to the Advisory Group for initial comments. Attached please find our specific comments on the requested Excel spreadsheets for the draft DSA and Policies and Procedures. In addition to the specific comments, however, we want to touch upon items of overall importance to the DSA and related Policies and Procedures.

***Governance***

We cannot pre-determine the structure, composition, or qualifying characteristics of a future governance entity without a clearer understanding of the roles and responsibilities of this entity. Form must follow function and at this stage, there is no clarity as to the function of the governance entity. Important criteria like conflict of interest cannot be ascertained without knowing if the governance entity has specific authority in which conflict would be a challenge. As such, it is premature to include any references to a governance entity, and its subsequent responsibilities, in the DSA and accompanying Policies and Procedures.

***Policies and Procedures***

Many of the Policies and Procedures accompanying the draft DSA exceed the statutory authority granted to the Health & Human Services Agency by the Legislature. As such, Policies and Procedures should not be included in the DSA.

***Enforcement and Compliance***

The DSA and its related Policies and Procedures, in numerous sections throughout the documents, refer to enforcement and compliance requirements for providers and other entities that are required to sign the DSA. AB 133 did not include **any** language regarding enforcement and compliance and does not

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provide the state or any governance entity deemed by the state the authority to enforce compliance to the DSA or issue penalties for noncompliance. To be consistent with the law, all references to enforcement and compliance should be removed from the DSA.

Sincerely,



Carmela Coyle  
President & CEO  
California Hospital Association



Erica Murray  
President and CEO  
California Association of Public Hospitals

cc: Dr. 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