

**California Health & Human Services Agency  
Center for Data Insights and Innovation  
Data Exchange Framework Stakeholder Advisory Group  
Meeting Summary  
Wednesday, May 18, 2022, 10:00 a.m. to 1:00 p.m.**

**Attendance**

**Stakeholder Advisory Group Members in attendance:** Ashrith Amarnath, Charles Bacchi, Mark Beckley, Andrew Bindman, Carmela Coyle, Joe Diaz, Rahul Dhawan, Michelle Doty Cabrera, Kayte Fisher, David Ford, Liz Gibboney, Michelle Gibbons, Lori Hack, Sandra Hernandez, Brent Houser, Cameron Kaiser, Andrew Kiefer, Linnea Koopmans, David Lindeman, Amanda McAllister-Wallner, DeeAnne McCallin, Ali Modaressi, Dana Moore, Erica Murray, Nathan Nau, Mark Savage, Kiran Savage-Sangwan, Cathy Senderling-McDonald, Jim Switzgable, Claudia Williams, Leslie Witten-Rood, William York

**Stakeholder Advisory Group Staff and Presenters in attendance:** Dr. Rim Cothren (Independent HIE Consultant to CDII), Jonah Frohlich (Manatt Health Strategies), Kevin McAvey (Manatt Health Strategies), Marko Mijic, (CalHHS), John Ohanian (CalHHS/CDII), Helen Pfister (Manatt Health Strategies), Elaine Scordakis (CalHHS/CDII), Khuoa Vang (CalHHS/CDII)

**Public in attendance:** approximately 128 public attendees joined this meeting via Zoom video conference or through call-in functionality.

**Meeting Notes**

Meeting notes elevate points made by presenters, Stakeholder Advisory Group Members, and public commenters during the Data Exchange Framework Stakeholder Advisory Group meeting. Notes may be revised to reflect public comment received in advance of the next Stakeholder Advisory Group meeting. Meeting materials, full video recording, transcription, and public comments may be found at: <https://www.chhs.ca.gov/data-exchange-framework/>.

**Welcome and Roll Call**

John Ohanian, Chief Data Officer, California Health & Human Services, welcomed attendees the eighth Stakeholder Advisory Group meeting.

John noted that Secretary Ghaly was would not be able to join the meeting because he his attendance was requested by the governor for a briefing and an event related to COVID-19, and Undersecretary Marko Mijic would provide opening remarks.

John reviewed the meeting agenda and reviewed the timelines for posting drafts and public comment periods of the Data Exchange Framework, Data Sharing Agreement, Policies and Procedures, and Strategy for Digital Identities (*see table below*).

Date	Step
May 18	<ul style="list-style-type: none"> <li>AG Meeting #8</li> <li>Draft <b>DxF</b>, <b>DSA</b>, and <b>P&amp;Ps</b> posted for public comment</li> </ul>
Week of May 23	<ul style="list-style-type: none"> <li>Draft Strategy for <b>Digital Identities</b> posted for public comment<sup>1</sup></li> </ul>
June 1, End-of-day	<ul style="list-style-type: none"> <li>Comments due on draft <b>DxF</b>, <b>DSA</b>, and <b>P&amp;Ps</b></li> </ul>
Draft Strategy for Digital Identities posted + 10 business days	<ul style="list-style-type: none"> <li>Comments due on draft <b>Strategy for Digital Identities</b></li> </ul>
June 23	<ul style="list-style-type: none"> <li>Updates to all draft materials discussed at AG Meeting #9</li> </ul>
July 1	<ul style="list-style-type: none"> <li>Final versions of <b>DxF</b>, <b>DSA</b>, and <b>P&amp;Ps</b> released</li> </ul>
July 31	<ul style="list-style-type: none"> <li>Final version of <b>Strategy for Digital Identities</b> released</li> </ul>

Stakeholder Advisory Group Members were named and introduced via roll call.

### Vision and Meeting Objectives

Marko Mijic, Undersecretary, CalHHS, thanked Stakeholder Advisory Group Members and public attendees for their continued engagement in the Data Exchange Framework development process. Marko expressed his optimism that the Data Exchange Framework will produce meaningful benefits for all Californians.

Marko reiterated CalHHS’ support for the proposals included in the Governor’s May revision that is being considered by the legislature. He emphasized the importance of data exchange to the success of CalAIM, the Master Plan on Aging, and other initiatives that are improving the health and well-being of Californians. Marko asked Stakeholder Advisory Group Members to keep individual Californians in mind as they review drafts of the Data Exchange Framework, Data Sharing Agreement, and Policies and Procedures.

### Data Sharing Agreement Policies and Procedures

Helen Pfister, Partner, Manatt Health Strategies, provided an overview of the relationship between the Data Sharing Agreement and the Policies and Procedures. Helen reviewed the mapping between Data Sharing Agreement topics and the initial set

<sup>1</sup> The draft Strategy for Digital Identities was released on May 26<sup>th</sup> and comments were due end-of-day, June 9<sup>th</sup>.

of Policies and Procedures that will be released on July 1<sup>st</sup>, 2022 and Policies and Procedures that will be released at a later date.

Helen noted that the presentation slides contain summaries of the Data Sharing Agreement sections and Policies and Procedures, and that the full documents could be found on CalHHS' Data Exchange Framework [website](#).

Helen then summarized each section of the Data Sharing Agreement, which included:

1. Parties
2. Purpose and Intent
3. Definitions
4. Use of Health & Social Services Information
5. Policies & Procedures and Specifications
6. Authorizations
7. Requirement to Exchange Health & Social Services Information
8. Privacy and Security
9. Minimum Necessary
10. Individual Access Services
11. Cooperation and Non-Discrimination
12. Information Blocking
13. Legal Requirements
14. Representation and Warranties
15. Term, Suspension, and Termination
16. Participant Liability
17. Miscellaneous/General Provisions

Stakeholder Advisory Group Members feedback on the Data Sharing Agreement included:

- **Section 7. Requirement to Exchange Health & Social Services Information**
  - Support for developing a process to qualify data exchange intermediaries through which providers can connect to satisfy Data Sharing Agreement and the Policies and Procedures requirements.
  - Consider whether other entities (e.g., Independent Practice Associations) can connect to data exchange intermediaries on behalf of individual providers to meet Data Sharing Agreement and the Policies and Procedures requirements.
  - Consider including requirements for the proactive exchange of data (e.g., Admission, Discharge, and Transfer information).
- **Section 9. Minimum Necessary**
  - Considerations regarding the exchange and use of sensitive data types (e.g., abortion and interpersonal violence).
- **Section 12. Information Blocking**
  - Request for clarification about whether California can expand upon federal information blocking rules to include other entities.

- **General**
  - Ensure that the Data Sharing Agreement is written with enforceable language to support compliance. For example, include granular detail on timelines and processes rather than leaving these details for participants to agree upon.
  - Request for clarification about how the Data Sharing Agreement may interact with existing contracts between data exchange intermediaries and providers.
  - Suggestion to hold private technology vendors to the same standards as qualified data exchange intermediaries.

Helen summarized each of the Policies and Procedures that will be released on July 1<sup>st</sup>, 2022, including:

1. Amendment of Data Sharing Agreement
2. Amendment of Policies & Procedures
3. Breach Notification
4. Permitted, Required, and Prohibited Purposes
5. Requirement to Exchange Health & Social Services Information
6. Privacy and Security Safeguards
7. Individual Access Services
8. Data Elements to Be Exchanged

Stakeholder Advisory Group Members feedback on the Policies and Procedures included:

- **1. Amendment of Data Sharing Agreement**
  - Suggestion to increase timeframe for Participants to implement and comply with amendments to the Data Sharing Agreement to 180 days.
  - Consider implementing standard processes and timelines for updating the Data Sharing Agreement.
  - Support for publicly posting revisions to the Data Sharing Agreement.
- **2. Amendment of Policies & Procedures**
  - Consider implementing standard processes and timelines for updating the Policies and Procedures.
  - Support for publicly posting revisions to the Policies and Procedures.
- **3. Breach Notification**
  - Suggestion to align breach notification timelines and procedures with those that Participants are already beholden to (e.g., Health Insurance Portability and Accountability Act, HIPAA, for covered entities) and set notification timelines and procedures for Participants that are not covered under existing requirements.
  - Clarify the types of data that would be subject to the beach notification requirements and how these requirements align with those of other State agencies and departments.

- **4. Permitted, Required, and Prohibited Purposes**
  - Clarify why “Operations” is defined differently than it is under HIPAA.
  - Ensure that the definition of “Public Health Activities” allows data exchange to support public health officers’ powers under State law to enforce quarantine and isolation requirements and that the definition of “Research” is sufficiently broad to support public health research.
  - Requests for clarifications on the “Prohibited Purposes”, including allowing Participants to aggregate data and the definition of “Social Services Organization.”.
  - The State should consider providing additional guidance on allowable sharing of 42 CFR Part 2 data.
- **5. Requirement to Exchange Health & Social Services Information**
  - Ensure that responding to referrals is included under a Participant’s “Duty to Respond”.
  - Clarify the definition of “technologically ready and able”, and what happens if a Participant is not technologically ready and able to exchange the information that is required.
  - Clarify whether some Participants will be able to receive and access information exchanged under the Data Exchange Framework but not share information.
- **6. Privacy and Security Safeguards**
  - Support for requiring Participants that are not covered entities under HIPAA to comply with the provisions of the HIPAA Regulations at 45 C.F.R. part 164, subparts C and E, as if it were acting in the capacity of a Business Associate.
  - Concern over the potential burden that Participants that are not HIPAA covered entities would face in complying with HIPAA.
- **7. Individual Access Services**
  - Request to clarify whether individuals will be the “owner” of their data and be able to know and control the data that are shared after it is received from the originating entity.
- **8. Data Elements to be Exchanged**
  - Define data “held by the entity” and consider focusing on data that is curated and structured by the entity since other data types, such as received faxes, would be difficult to exchange.
  - Clarify what happens if a Participant does not have a data element that is required to be exchanged.
  - Consider allowing Participants to use HL7 Fast Health Interoperability Resources (FHIR®) Release 4.0.1, US Core Implementation Guide 4.0.0 STU4 or a lesser standard.

## Public Comment

John Ohanian opened the meeting to public comment, which included:<sup>2</sup>

- Katie Webber, advocate for older adults and people with disabilities, suggested adding a data exchange scenario focusing on older adults or individuals residing in an institutional setting.
- Lucy Johns, emphasized that there will be interest in how AB133 will influence data exchange in California, so it will be necessary for the governance entity to ensure accountability of Data Exchange Framework participants. She requested clarification if the governance entity can require reporting per Sections 11 and 13 of the Data Sharing Agreement and have enforcement authority if reporting requirements are not met. Lucy suggested that participants should report to the governance entity at least semi-annually.
- Delores Green, Executive Director, Riverside County Medical Association, emphasized Riverside County Medical Association's commitment to the success of the Data Exchange Framework and appreciation for the funding proposals included in the Governor's May Revision to the Proposed Budget. She requested consideration of the Data Sharing Equity Coalition's \$95 million funding request to support health information organization (HIO) infrastructure.
- John Halvey, SacValley MedShare and Data Sharing Equity Coalition, emphasized SacValley MedShare's and the Data Sharing Equity Coalition's support for the Data Exchange Framework and requested consideration of the Data Sharing Equity Coalition's \$95 million funding request to support HIO infrastructure.
- Tiffany Mathews, Inland Empire Health Plan and Data Sharing Equity Coalition, requested consideration of the Data Sharing Equity Coalition's \$95 million funding request to support HIO infrastructure.
- Bill Barcelona, America's Physician Groups, requested consideration of the Data Sharing Equity Coalition's \$95 million funding request to support HIO infrastructure and noted that these funds would be needed for large physician groups to comply with the Data Sharing Agreement and its Policies and Procedures.

## Data Exchange Framework Component Documents

Jonah Frohlich, Senior Managing Director, Manatt Health Strategies provided a brief overview of the draft Data Exchange Framework Component Documents, which included the:

1. Data Exchange Framework Development Process
2. Data Exchange Framework Guiding Principles
3. California Data Exchange Landscape
4. Data Exchange Scenarios
5. Data Exchange Framework Governance

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<sup>2</sup> Name spelling approximated based on verbal statements.

## 6. California Data Exchange Gaps and Opportunities

Jonah noted that these documents were shared with the Stakeholder Advisory Group on May 12<sup>th</sup> and written comments would be accepted through June 1<sup>st</sup>.

Stakeholder Advisory Group Members feedback on the Data Exchange Framework Component Documents included:

- Suggestions to establish and launch the HIE Policy Board to support Data Exchange Framework Governance as soon as possible and establishing an interim stakeholder advisory committee until that occurs.

### Digital Identity Strategy Update

Dr. Rim Cothren, Independent HIE Consultant to CDII, summarized the verbal and written comments received on the draft Strategy for Digital Identities that CDII presented during the April 7<sup>th</sup> Stakeholder Advisory Group meeting. Rim then described the actions taken based on the input received, and the next steps for the draft strategy for Digital Identities, including the timeframe for release and public comment and the areas where CDII is requesting additional feedback, including:

- Attributes included in digital identities.
- The use of digital identities in population health research, noting that the only restriction in the draft presently is that demographics in digital identities not be used as search criteria or to stratify populations.
- Purposes for use, considering the draft DSA and P&Ps.
- The utility of a statewide index

### Governance and Budget Update

Marko Mijic reviewed two proposals in the May Revision of the Governor's Proposed Budget that would support the implementation of the Data Exchange Framework:

- \$50M grant program at CDII to provide technical assistance to small or under-resourced providers.
- \$200M practice transformation grant program at DHCS for small physician practices to upgrade their clinical infrastructure.

Marko emphasized that these proposals are being considered by the legislature and that details about eligible entities and activities had not yet been finalized. He thanked Stakeholder Advisory Group Members for their input which helped to inform these proposals and asked that they continue to engage with CalHHS and the legislature as the proposals are considered.

Stakeholder Advisory Group Members feedback on the Governance Update included:

- General support for establishing Data Exchange Framework governance with the suggestion that the state seek to establish the Health Information Exchange

(HIE) Policy Board as soon as possible and establish an interim stakeholder advisory committee until it can be established.

- Some Members expressed concerns over the potential for duplicative state regulatory authorities and misalignment with federal requirements. These Members suggested requiring participation in the federal Trusted Exchange Framework and Common Agreement (TEFCA) in lieu of the state establishing Data Exchange Framework governance.

Stakeholder Advisory Group Members feedback on the Budget Update included:

- Appreciation for the proposals in May Revision of the Governor's Proposed Budget.
- Requests for additional detail on the types of health and human service providers who would be eligible for funding under these programs.
- Suggestion to consider funding for technical assistance and upgrades to state, county, and local public health infrastructure as well as county mental health infrastructure to support participation in the Data Exchange Framework.

### **Closing Remarks**

John Ohanian reviewed project next steps and noted that the next and final Stakeholder Advisory Group meeting is scheduled for June 23<sup>rd</sup>.



**Appendix 1. Data Exchange Framework Stakeholder Advisory Group Member - Meeting Attendance (May 18, 2022)**

Last Name	First Name	Title	Organization	Designee For	Present
Ghaly	Mark	Secretary (Chair)	California Health and Human Services Agency	N/A	No
Almanza	Jamie	CEO	Bay Area Community Services	N/A	No
Amarnath	Ashrith	Medical Director	California Health Benefit Exchange	N/A	Yes
Bacchi	Charles	President and CEO	California Association of Health Plans	N/A	Yes
Beckley	Mark	Chief Deputy Director	Department of Aging	N/A	Yes
Bindman	Andrew	Executive Vice President; Chief Medical Officer	Kaiser Foundation Health Plan, Inc. and Hospitals	Adams	Yes
Cabrera	Michelle Doty	Executive Director	County Behavioral Health Directors Association of California	N/A	Yes
Christman	Scott	Chief Deputy Director	Department of Health Care Access and Information	N/A	No
Cowling	David	Chief, Center for Information	California Public Employees' Retirement System	N/A	No
Coyle	Carmela	President and CEO	California Hospital Association	N/A	Yes
Dhawan	Rahul	Associate Medical Director	MedPoint Management (representing America's Physician Groups)	Crane	Yes
Diaz	Joe	Senior Policy Director and Regional Director	California Association of Health Facilities	Cornett	No
Fisher	Kayte	Attorney	Department of Insurance	N/A	Yes
Ford	David	Vice President, Health Information Technology	California Medical Association	Corcoran	Yes
Gibboney	Liz	CEO	Partnership HealthPlan of California	N/A	Yes
Gibbons	Michelle	Executive Director	County Health Executives Association of California	Chawla	Yes

Last Name	First Name	Title	Organization	Designee For	Present
Hack	Lori	Interim Executive Director	California Association of Health Information Exchanges	N/A	Yes
Hernández	Sandra	President and CEO	California Health Care Foundation	N/A	Yes
Houser	Brent	Chief Deputy Director, Operations	Department of State Hospitals	N/A	Yes
Kaiser	Cameron	Deputy Public Health Officer	County of San Diego (representing the California Conference of Local Health Officers)	Relucio	Yes
Kiefer	Andrew	Vice President, State Government Affairs	Blue Shield of California	Markovich	Yes
Koopmans	Linnea	CEO	Local Health Plans of California	N/A	Yes
Larson	Cheryl	Director & CIO	Department of Corrections and Rehabilitation	Toche	No
Legé	Matt	Government Relations Advocate	SEIU California	N/A	No
Lindeman	David	Director, CITRIS Health	UC Center for Information Technology Research in the Interest of Society	N/A	Yes
Lo	Julie	Executive Officer	Business, Consumer Services & Housing Agency	N/A	No
McAllister-Wallner	Amanda	Deputy Director	Health Access California	Wright	Yes
McCallin	DeeAnne	Director of Health Information Technology	California Primary Care Association	Beaudry	Yes
Modaressi	Ali	CEO	Los Angeles Network for Enhanced Services	N/A	Yes
Moore	Dana E.	Acting Deputy Director	Department of Public Health	N/A	Yes
Murray	Erica	President and CEO	California Association of Public Hospitals and Health Systems	N/A	Yes

Last Name	First Name	Title	Organization	Designee For	Present
Nau	Nathan	Deputy Director, Office of Plan Monitoring	Department of Managed Health Care	N/A	Yes
O'Malley	Janice	Legislative Advocate	California Labor Federation	Pulaski	No
Savage	Mark	Managing Director, Digital Health Strategy and Policy	Savage & Savage LLC	N/A	Yes
Savage-Sangwan	Kiran	Executive Director	California Pan-Ethnic Health Network	N/A	Yes
Scott	Linette	Chief Data Officer	Department of Health Care Services	N/A	No
Senderling-McDonald	Cathy	Executive Director	County Welfare Directors Association	N/A	Yes
Switzgable	Jim	Deputy Director	Department of Developmental Services	Bargmann	Yes
Vignalats	Julianna	Assistant Deputy Director	Department of Social Services	N/A	No
Williams	Claudia	CEO	Manifest MedEx	N/A	Yes
Witten-Rood	Leslie	Chief, Office of Health Information Exchange	Emergency Medical Services Authority	N/A	Yes
York	William	President and CEO	211 San Diego/Community Information Exchange	N/A	Yes