1. Edits/Comments on Documents

**Document:** Data Exchange Scenarios\_Draft\_5.12.22

**Text:** Health plans also have a statutory obligation that is overseen and enforced by the California Department of Managed Health Care (DMHC) to prepare and execute response plans for ensuring that displaced members have access to medically necessary services during emergency evacuations. (Page 13)

**Comment:** The response plans filed with the DMHC do not require PHI/PII and would not fall under the Data Sharing Agreement.

**Document:** DxF Single Data Sharing Agreement\_Draft\_5.12.22

**Text:** “Authorization” shall have the meaning and include the requirements set forth at 45 CFR § 164.508 of the HIPAA Regulations and at Cal. Civ. Code § 56.05 and shall include any additional requirements under Applicable Law for PHI or PII. (Page 1)

**Comment:** Edit to include Cal. Civ. Code § 1798.34 (The Information Practices Act section that allows individuals to review their personal information, including medical information) for Governmental Participants who are not considered Covered Entities under HIPAA.

2. What Signing the Agreement Would Entail

* Would require DMHC to implement new software/technology to facilitate “secure real-time access” to data.
* Would require DMHC to comply with HIPAA Regulations regarding safeguarding unauthorized use or disclosure of PHI or PII.
* Would require DMHC’s privacy and security policies satisfy the requirements set forth in the HIPAA Regulations.
  + All DMHC staff with access to PHI or PII would be required to be trained on this.
* Would require DMHC’s contracts with vendors comply with, at a minimum, 45 C.F.R. § 164.504(e)(3) of HIPAA.
* Would require DMHC to comply with a separate breach notification process in addition to the current requirements under the Information Practices Act.
* May require changes to the Help Center’s current process for obtaining patient authorization.