

# Cal HHS Data Exchange Framework Policy and Procedure

<b>Subject: Monitoring and Auditing</b>	
<b>Status:</b>	<b>Policy: OPP-[X]</b>
<b>Publication Date:</b>	<b>Version: 1.0</b>

## I. Purpose

California Health and Safety Code section 130290 was enacted in 2021 and establishes the creation of the California Health and Human Services Data Exchange Framework (“Data Exchange Framework”), which requires certain data sharing among Participants. The purpose of this policy is to set forth the monitoring and auditing processes the Governance Entity will utilize in order to verify Participants’ compliance with their obligations as set forth in the California Health and Safety Code and the Data Sharing Agreement (“DSA”).

## II. Policy

The Governance Entity shall follow the procedures set forth in this policy in order to verify that Participants that are required to execute the DSA do so, and that Participants comply with their obligations under the DSA.

This policy shall be effective as of January 31, 2023.

## III. Procedures

### 1. **Obligations of the Governance Entity**

(a) The Governance Entity shall engage in any monitoring activities it deems necessary in order to verify that entities set forth in California Health and Safety Code section 130290 have executed the DSA.

(b) The Governance Entity shall engage in any monitoring and auditing activities that it deems necessary in order to verify that Participants are in compliance with their obligations under the DSA.

(c) The Governance Entity’s responsibilities for monitoring Participants’ compliance with the DSA shall include, but not necessarily be limited to, the following:

(1) Verifying that Participants are exchanging Health and Social Services Information as set forth in the Permitted, Required, and Prohibited Purposes Policy and Procedure and the Requirement to Exchange Policy and Procedure.

(2) Verifying that Participants are using appropriate safeguards to protect the privacy of PHI or PII as set forth in the Privacy Standards and Security Safeguards Policy and Procedure.

(3) Verifying that Participants provide Individual Users bidirectional access to their PHI or PII in accordance with the Individual Access Services Policy and Procedure.

(4) Verifying that Participants are not engaging in Information Blocking as set forth in the Information Blocking Policy and Procedure.

(d) The Governance Entity shall establish a complaint process that enables any individual or entity to file a complaint with the Governance Entity if a Participant is not in compliance with its obligations under the DSA. The Governance Entity shall publicly make available information detailing

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how individuals or entities may submit complaints and the Governance Entity's process for investigating such complaints.

## 2. Obligations of the Participants

(a) All Participants shall, with advance written notice and during regular business hours, make their internal practices, books, and records relating to compliance with the DSA available to the Governance Entity for purposes of determining the Participant's compliance with the DSA.

(b) If a Participant engages in the exchange of Health and Social Services Information through execution of an agreement with a Qualified HIO, the Participant shall attest, on an annual basis and in a manner set forth by the Governance Entity, that the Participant has entered into such an agreement and that the Participant is exchanging Health and Social Services Information in accordance with all applicable requirements set forth in the DSA.

(c) If a Participant engages in the exchange of Health and Social Services Information through execution of an agreement with an entity other than a Qualified HIO, the Participant shall attest, on an annual basis and in a manner set forth by the Governance Entity, that it is exchanging Health and Social Services Information in accordance with all applicable requirements set forth in the DSA.

(d) If a Participant engages in the exchange of Health and Social Services Information through use of the Participant's own technology, the Participant shall attest, on an annual basis and in a manner set forth by the Governance Entity, that it is exchanging Health and Social Services Information in accordance with all applicable requirements set forth in the DSA. Additionally, the Participant shall, upon request by the Governance Entity, provide written demonstration of its compliance with the DSA.

## 3. Confidential Information

(a) As set forth in the DSA, to the extent that a Participant provides access to or discloses Confidential Participant Information to the Governance Entity in connection with the Governance Entity's monitoring and auditing activities, the Governance Entity shall hold such information in confidence and shall not redisclose such information to any person or entity except as required by Applicable Law.

## IV. Definitions

All capitalized terms not defined herein shall have the same meaning as set forth in the DSA.

## V. References

Permitted, Required, and Prohibited Purposes Policy and Procedure

Requirement to Exchange Policy and Procedure

Privacy Standards and Security Safeguards Policy and Procedure

Individual Access Services Policy and Procedure

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Information Blocking as set forth in the Information Blocking Policy and Procedure

## VI. Version History

	<b>Date</b>	<b>Author</b>	<b>Comment</b>
	October 22, 2022	CalHHS CDII	Draft for DxF Data Sharing Agreement Subcommittee review

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