

Data Exchange Framework Data Sharing Agreement Policies & Procedures Subcommittee Meeting #4

California Health & Human Services Agency

Thursday, January 26, 2023

9:00 am – 10:30 am

Meeting Participation Options

Written Comments

- Participants and Subcommittee Members may submit comments and questions through the **Zoom Q&A box**; all comments will be recorded and reviewed by Subcommittee staff.
- Participants may also submit comments and questions – as well as requests to receive Data Exchange Framework updates – to CDII@chhs.ca.gov.

Meeting Participation Options

Spoken Comments

- Participants and Subcommittee Members must “raise their hand” for Zoom facilitators to unmute them to share comments; the Chair will notify participants/Members of appropriate time to volunteer feedback.

If you logged on via Zoom interface

Press “Raise Hand” in the “Reactions” button on the screen

If selected to share your comment, you will receive a request to “unmute;” please ensure you accept before speaking

If you logged on via phone-only

Press “*9” on your phone to “raise your hand”

Listen for your phone number to be called by moderator

If selected to share your comment, please ensure you are “unmuted” on your phone by pressing “*6”

Public Comment Opportunities

- Public comment will be taken during the meeting at designated times.
- Public comment will be limited to the total amount of time allocated for public comment on particular issues.
- The Chair will call on individuals in the order in which their hands were raised.
- Individuals will be recognized for up to two minutes and are asked to state their name and organizational affiliation at the top of their statements.
- Participants are encouraged to use the Q&A box to ensure all feedback is captured or email their comments to CDII@chhs.ca.gov.

Agenda

9:00 AM	Welcome and Roll Call <ul style="list-style-type: none">• Courtney Hansen, Assistant Chief Counsel, CalHHS CDII
9:05 AM	Informational Item: Vision and Meeting Objectives <ul style="list-style-type: none">• Courtney Hansen
9:10 AM	Discussion Item: Policies and Procedures Development: Status and Next Steps <ul style="list-style-type: none">• Courtney Hansen
9:25 AM	Informational Item: Overview of P&Ps Released for Comment <ul style="list-style-type: none">• Courtney Hansen• Rim Cothren, Independent HIE Consultant to CDII• Helen Pfister, Partner, Manatt Health• Cindy Bero, Senior Advisor, Manatt Health
9:50 AM	Discussion Item: Draft Language for P&P in Development <ul style="list-style-type: none">• Helen Pfister• Cindy Bero
10:15 AM	<u>Public Comment</u>
10:25 AM	Informational Item: Next Steps and Closing Remarks <ul style="list-style-type: none">• Courtney Hansen

Welcome and Roll Call



DSA P&P Subcommittee Members (1 of 2)

Name	Title	Organization
Courtney Hansen (Chair)	Assistant Chief Counsel	CDII
Ashish Atreja	CIO and Chief Digital Health Officer	UC Davis Health
William (Bill) Barcellona	Executive Vice President for Government Affairs	America's Physician Groups (APG)
Michelle (Shelley) Brown	Attorney	Private Practice
Jason Buckner	Chief Information Officer & Chief Technology Officer	Manifest Medex
Louis Cretaro	Lead County Consultant	County Welfare Directors Association of California
Matthew Eisenberg	Medical Informatics Director for Analytics and Innovation	Stanford Health
Elaine Ekpo	Attorney	CA Dept. of State Hospitals
Sarah Hartmann	Assistant Chief Counsel	California Correctional Health Care Services
John Helvey	Executive Director	SacValley MedShare
Sanjay Jain	Manager, Data Analysis	Health Net
Bryan Johnson	Chief Information Security Officer	CA Dept. of Developmental Services
Diana Kaempfer-Tong	Attorney	CA Dept. of Public Health
Justin Kaltenbach	Interim Chief Technology Officer	Los Angeles Network for Enhanced Services

DSA P&P Subcommittee Members (2 of 2)

Name	Title	Organization
Helen Kim	Senior Counsel	Kaiser Permanente
Steven Lane	Chief Medical Officer	Health Gorilla
Lisa Matsubara	General Counsel & VP of Policy	Planned Parenthood Affiliates of California
Deven McGraw	Lead, Data Stewardship and Data Sharing, Citizen Platform	Invitae
Jackie Nordhoff	Director of Regulatory Affairs	PointClickCare
Eric Raffin	Chief Information Officer	San Francisco Department of Public Health
Mark Savage	Managing Director, Digital Health Strategy and Policy	Savage & Savage LLC
Tom Schwaninger	Senior Executive Advisor, Digital Ecosystem Interoperability	LA Care
Morgan Staines	Privacy Officer & Asst. Chief Counsel	CA Dept. of Health Care Services
Elizabeth Steffen	Chief Information Officer	Plumas District Hospital
Lee Tien	Legislative Director and Adams Chair for Internet Rights	Electronic Frontier Foundation
Belinda Waltman	Acting Director, Whole Person Care LA	Los Angeles County Department of Health Services
Terry Wilcox	Director of Health Information Technology/Privacy & Security Officer	Health Center Partners

Vision and Meeting Objectives

Vision for Data Exchange in CA

Every Californian, and the health and human service providers and organizations that care for them, will have timely and secure access to usable electronic information that is needed to address their health and social needs and enable the effective and equitable delivery of services to improve their lives and wellbeing.

Meeting #4 Objectives



1. Provide a **status update on P&Ps in development** and those prioritized for future development
2. Review **P&Ps released for public comment**
3. Discuss **draft language for the Qualified Health Information Organization (QHIO) Program P&P**

The DSA Signing Portal is Live.

**Mandatory and voluntary signatories can execute the DSA in the DSA Signing Portal.
The deadline for mandatory signatories to sign the DSA is January 31, 2023.**



The screenshot shows the CalHHS Data Sharing Agreement Signing Portal. At the top left is the CalHHS logo and the text "CalHHS Data Sharing Agreement Signing Portal". Below this is a heading "Welcome to the CalHHS Data Sharing Agreement Signing Portal!". The main text reads: "Signing the Data Sharing Agreement is a critical next step toward full implementation of the Data Exchange Framework. It's time to ensure every Californian, no matter where they live, can trust that their health and social services providers can securely access critical patient information to provide safe, effective, whole person care." At the bottom, there is a "Data Sharing Agreement" section with a dark blue button labeled "Register to Start".

More information is available on the CalHHS DxF [website](#), including:

- Final DSA
- Final & Draft P&Ps
- FAQs on the DSA, P&Ps, and Signing Portal
- Historical Meeting Materials & Recordings

DSA Signing Portal URL: <https://signdxf.powerappsportals.com/>

Policies and Procedures Development: Status and Next Steps

P&P Development Priorities

On January 17th, four new P&Ps and one amended P&P were released for public comment. Additional P&Ps are in development.

Released for Public Comment
California Information Blocking Prohibitions
Technical Requirements for Exchange
Early Exchange
Real-Time Data Exchange
Privacy Standards and Security Safeguards (amended)

In Development
Qualified HIO Program
Monitoring and Auditing

For Potential Future Development
Dispute Resolution
Voluntary Signatories
Data Quality
Participant Registry



Are there other P&Ps that should be considered for development?

Overview of P&Ps Released for Comment

Draft P&Ps Released for Public Comment

CDII is inviting public comment on drafts of the below P&Ps through February 14, 2023.

P&P Topic	Description
California Information Blocking Prohibitions	Prohibits all Participants from undertaking any practice likely to interfere with access, exchange, or use of Health and Social Services Information (HSSI) for the required purposes set forth in the Permitted, Required and Prohibited Purposes P&P.
Technical Requirements for Exchange	Describes data exchange patterns for the DxF and those that Participants must support, at a minimum, as well as the technical specifications Participants must adhere to for each of the required data exchange patterns.
Real-Time Data Exchange	Establishes a definition of 'Real Time Data Exchange' and associated obligations of Participants.
Early Exchange	Establishes requirements for participants using the DSA to engage in early exchange of HSSI (i.e., exchange prior to statutorily mandated date(s) by which many entities must begin exchanging data).
Privacy Standards and Security Safeguards (amended)	Describes privacy standards and security safeguards Participants must comply with in connection with the exchange of HSSI under the DSA. <i>Note: CDII is soliciting comments on only the changes made to this P&P since it was originally released in July 2022.</i>

Draft P&Ps, questions to guide comment, & submission instructions are available on the [DxF website](#)

CA Information Blocking Prohibitions

Overview

Prohibits all Participants from undertaking any practice likely to interfere with access, exchange, or use of Health and Social Services Information (HSSI) for the required purposes set forth in the Permitted, Required and Prohibited Purposes P&P.

Key Updates in Draft Released for Public Comment *(compared to version discussed at December meeting)*

- 1. Updated Title.** The title of the P&P was updated to 'California Information Blocking Prohibitions' (*formerly called 'Information Obstruction'*) to reflect that this P&P is a state-level policy that leverages yet is distinct from the federal information blocking rules.
- 2. Obligations Under Applicable Law.** Clarifies that the P&P does not affect a Participant's responsibility, if any, to comply with the Federal Information Blocking Regulations or other applicable law.
- 3. Licensing Exception.** Revised to provide that Participants subject to the Federal Information Blocking Regulations may not use the Licensing Exception to withhold Health and Social Services Information for a Required Purpose (as described in the Permitted, Required, and Prohibited Purposes Policy and Procedure).
 - a.** Similarly revised to remove the Licensing Exception as a qualifying exception through which the Behavior of a Participant who is not subject to the Federal Information Blocking Behavior would not be considered Information Blocking.
- 4. Professional Relationship.** Defines the term 'Professional Relationship' in the context of describing which individuals may determine the risk of harm under the Preventing Harm Exception

Technical Requirements for Exchange (1)

Overview

Describes data exchange patterns for the DxF and those that Participants must support, at a minimum, as well as the technical specifications Participants must adhere to for each of the Required Transaction Patterns.

Key Updates in Draft Released for Public Comment *(compared to version discussed at December meeting)*

Requests for Information

1. **Broadcast Queries.** Updated to no longer prohibit nor discourage broadcast queries for Health and Social Services Information (HSSI).

Information Delivery

1. **Ability to Receive HSSI.** Requires Participants to be able to receive HSSI sent to them by another Participant (e.g., a radiology report sent by a radiology clinic).
2. **Use of Direct.** Expands the standards that may be used to include Direct secure messaging in addition to the IHE reliable delivery standard promoted for TEFCA. Recipients of delivered HSSI are only required to support one of the two standards and senders of HSSI must support both standards.

Technical Requirements for Exchange (2)

Overview

Describes data exchange patterns for the DxF and those that Participants must support, at a minimum, as well as the technical specifications Participants must adhere to for each of the Required Transaction Patterns.

Key Updates in Draft Released for Public Comment *(compared to version discussed at December meeting)*

Requested Notification

1. **ADT Messages to QHIOs.** Requires that hospitals send admission, discharge, and transfer (ADT) messages to a Qualified Health Information Organization (QHIO).
2. **Exchange Between QHIOs.** Continues to require that QHIOs receive ADTs from Participating Hospitals and distribute them to other QHIOs as a common means of ADT message delivery but solicits comments on burden and alternatives.

General

1. **Definitions.** Defines Qualified HIO (using same definition as in the DSA).
2. **Secure Exchange.** Clarifies security expectations (applicable to all transaction types).
3. **Authorizations.** Clarifies authorization expectations (applicable to all transaction types) and references updated authorization section in revised Privacy Standards and Security Safeguards P&P. *(see next slide)*

Privacy Standards and Security Safeguards (*Amended*)

Overview

Describes the privacy standards and security safeguards Participants must comply with in connection with the exchange of HSSI under the DSA.

Key Updates in Draft Released for Public Comment (*compared to version discussed at December meeting*)

1. **Definitions.** Defines the terms 'Authorization' and 'Individual'.
2. **Authorization and Responsibility to Securely Destroy.** Clarifies Participant expectations pertaining to authorizations and requires Participants who receive information about an individual in error to securely destroy the information and notify the Participant that erroneously disclosed the information.

Real-Time Data Exchange

Overview

Establishes definition of 'Real Time Data Exchange' and associated obligations of Participants.

Key Updates in Draft Released for Public Comment *(compared to version discussed at December meeting)*

1. **Connection to CA Information Blocking Prohibitions P&P.** Revised to note that violation of this policy may constitute a violation of the California Information Blocking Prohibitions P&P.
2. **Admission, Discharge, Transfer (ADT) Event.** Definition revised to specify reference to "acute" healthcare facilities.
3. **Timeliness.** Revised to remove language that Health and Social Services Information be shared within a certain time period (e.g., "within 24 hours") and instead require such information to be shared without delay.
4. **Programmatic Delay.** Defines "Programmatic Delay" (as used in the context of a delay in sharing Health and Social Services Information between Participants).

Early Exchange

Overview

Establishes requirements for participants using the DSA to engage in early exchange of Health and Social Services Information (i.e., exchange prior to statutorily mandated date(s) by which many entities must begin exchanging data).

Key Updates in Draft Released for Public Comment *(compared to version discussed at December meeting)*

1. **Voluntary Nature of Early Exchange.** Revised to clarify that early exchange is voluntary and that no entities are required to share Health and Social Services Information prior to January 31, 2024.

Instructions for Public Comment

CDII is inviting public comment on the draft P&Ps through February 14, 2023.

The **draft P&Ps** are available in the **Public Comment** section of the [DxF website](#).

CDII has also released a [list of questions](#) for public input to guide comment. Please note that CDII appreciates all comments and recommendations and invites comments on other components of the P&Ps not addressed by the questions listed in this document. For the amended Privacy Standards and Security Safeguards P&P, CDII is only soliciting comments on the highlighted sections which indicate changes made to the version released in July 2022.

The [DxF Comment Template](#) is CDII's preferred method for the creation and submission of your comments.

To assist us with processing of your comments, **please name your completed Excel file as follows:** *[Your Organization Name]_[Your Last Name]_[Date Prepared]* and **transmit the file attached in an email to CDII@chhs.ca.gov.**

Draft Language for P&P in Development

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 California Health and Human Services Agency has delegated authority to the Center for Data Insights and Innovation (“CDII”) to establish and manage the Qualified Health Information Organization (HIO) Program.

The Qualified HIO Program will, among other things, set forth the requirements an Intermediary must satisfy to be designated a Qualified HIO.

Definitions (Proposed)

“**Qualified HIO Program**” means the requirements made publicly available by CDII that a Participant must satisfy to obtain and maintain its designation as a Qualified HIO.

“**Intermediary**” means a health information exchange network, health information organization, or technology that assists a Participant in the exchange of Health and Social Services Information and adheres to the standards and policies of the Data Sharing Agreement (DSA) and associated Policies and Procedures (P&Ps). An Intermediary may be used by a Participant to allow it to meet some or all of its exchange obligations in the DSA and the P&Ps. Examples might include nationwide networks or frameworks, vendors that provide applicable services, health information exchange organizations (HIOs) including Qualified HIOs, or community information exchanges (CIEs).

“**Qualified HIO**” means a state-designated data exchange Intermediary that facilitates the exchange of Health and Social Services Information between Participants.

Purpose

This designation process is intended to provide Participants with confidence in the organizational structure, service completeness, and technical and programmatic capabilities offered by Qualified HIOs and enable such Participants to comply with their obligations under the Data Sharing Agreement (“DSA”).

Participants may choose to engage a Qualified HIO to comply with their obligations under the DSA, but are not required to.

QHIO Program (3)

Purpose

Policy & Procedure

Policy

This policy establishes the Qualified HIO Program.

This policy shall be effective upon publication of the final version by CDII.

Procedure

1. ESTABLISHMENT OF QUALIFIED HIO PROGRAM

- a. CDII shall establish, manage, and oversee a Qualified HIO Program that, among other things, shall set forth the requirements for a Participant, who is also an Intermediary, to be designated as a Qualified HIO and any ongoing obligations that a Qualified HIO must meet in order to retain such designation.

2. DESIGNATION OF QUALIFIED HIO

- a. A Participant that complies with all requirements set forth by the Qualified HIO Program shall be designated a Qualified HIO by CDII under the Data Exchange Framework.

Procedure

3. ONGOING COMPLIANCE REQUIREMENTS

- a. In order to maintain its status as a Qualified HIO, a Participant must comply with any ongoing obligations set forth by the Qualified HIO Program.

4. SUSPENSION AND/OR TERMINATION OF QUALIFIED HIO STATUS

- a. In accordance with procedures set forth in the Qualified HIO Program, CDII may temporarily suspend or may terminate a Participant's status as a Qualified HIO if it determines the Qualified HIO is not in compliance with this policy.
 - i. Complaint Process. The Qualified HIO Program shall establish a complaint process by which individuals, entities, or Participants may file a complaint against a Qualified HIO, and by which, CDII shall investigate such complaint.
 - ii. Appeal Process. The Qualified HIO Program shall establish an appeal process to allow a Participant to appeal an action where CDII has suspended or terminated a Participant's Qualified HIO status.

Note: CDII will be announcing a Townhall meeting to be held in February to solicit additional stakeholder feedback on the QHIO Program.

Public Comment Period

Next Steps and Closing Remarks

Next Steps

CalHHS will:

- Develop and post a summary of today's meeting.
- Consider feedback from Subcommittee Members to inform development of the Qualified HIO Program P&P.
- Continue to draft language for P&Ps prioritized for development.
- Share information about a February Townhall being established to solicit stakeholder feedback on the QHIO Program.

Members will:

- Participate in current period of public comment, submitting feedback by EOD on February 14th 2023.
- Provide additional feedback on today's topics to CDII.

Available Resources & Next Steps

- **Available Resources:**

- The DSA & P&Ps are available on the [DxF website](#).
- DSA Signing Portal URL: <https://signdxf.powerappsportals.com/>
- [FAQ](#) with additional information on the DSA and the Signing Portal.

- **Next Steps:**

- Mandatory signatories should sign the DSA P&P by the deadline of January 31, 2023.
- Stakeholders should submit questions about the DSA, P&Ps, and the Signing Portal to cdii@chhs.ca.gov.

Meeting Schedule

DSA P&P Subcommittee Meetings	Date
DSA P&P SC Meeting #5	March 9, 2023, 9:00 AM to 11:30 AM
DSA P&P SC Meeting #6	To be announced
DSA P&P SC Meeting #7	To be announced

For more information or questions on Subcommittee meeting logistics, please email CDII (CDII@chhs.ca.gov).