



**California Health & Human Services Agency  
Center for Data Insights and Innovation  
Data Exchange Framework Stakeholder Advisory Group  
Meeting 6 Transcript (10:00AM – 1:00PM PT, March 3, 2022)**

The following text is a transcript of the March 3<sup>rd</sup> meeting of the California Health & Human Services Agency and Center for Data Insights and Innovation Data Exchange Framework Stakeholder Advisory Group. The transcript was produced using Zoom's transcription feature. It should be reviewed concurrently with the recording – which may be found on the CHHS Data Exchange Framework [website](#) to ensure accuracy.

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well welcome to today's program. my Name is mario and i'll be in the background answering any zoom technical questions.

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If you experience technical difficulties during this session, please type your question into the Q. and A.

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Section located at the bottom of your zoom webinar.

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But respond. During today's event live close cops will be available.

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Please click on the Cc. button at the the bottom of your zoom window to its or disable.

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Emma will now cover the meeting Participation options. There are a few ways attendees may participate today.

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Participants may have been written, called, and questions through the zoom. Q.

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And a box. All comments will be recorded and reviewed by staff participants may also submit comments and questions, as well as requests to receive updates.

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To Cdi at Chhs Dot, c. A. Gov.

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It designated time, spoken comment will be permitted. Participants and group members must raise their hand for zoom.

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Facilitators to unmute them to share comments.

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The chair will notify the participants or members of appropriate times to volunteer feedback.

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If you logged on by a phone, only press Star 9 to raise your hand.

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Listen for your phone number to be called and it's selected to share your comment.

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Please ensure you are unmuted on your phone by pressing Star 6.

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If you logged on via the zoom interface press, raise hand in the reactions area, and if selected, you'll receive request to unmute, Please ensure you except before speed.

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Public comment will be taken during the meeting at designated times, and will be limited to the total amount of time.

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Allocated individuals will be called on in the order in which their hands were raised.

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We'll have 2 min. please state your name and organizational affiliation when you begin.

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Participants are also encouraged to use the Q. and A.

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To ensure all feedback is captured or again, you can email comments to Cdi at some vhs dot com, and with that i'll hand it to Jonah, honey.

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And thank you so much. Thanks for Thanks, team, for all the work to put into this meeting.

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Thank you everyone for joining this is meeting number 6 you've made it.

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We've made it, and thank you all for continuing on this journey with us.

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Secretary Golly was called away by the Governor but we're happy to have under Secretary Mark Omiji with us at today.

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He's going to be starting our meeting today with a few reflections on our progress and considerations for our main topic today, which is governance, which encompassed the majority of the time together.

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We will also have updates on our digital identity strategy work and the data sharing agreement, subcommittees, deliberations.

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And we're gonna briefly reflect reflect on changes We made to the opportunities to address gaps and data standards, provider identity management and consumer data access based on our last meeting. and comments.

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Were we received. Thank you again for all of your comments They've all been posted to our website, and We're gonna continue accepting comments on the updates through Thursday next Thursday March the tenth also excited to welcome our

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colleagues at the office of National Coordinator for hit.

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We have the Andc. here today that are going to be presenting at the end of our meeting today and presenting on the trusted exchange framework in common agreement, you know, is Tefca during a special

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supplemental session from 1230 to one, looking forward to it.

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Before we go to under Secretary i'm gonna do a quick roll call.

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We're going to begin with Bay area community services Jamie Almanza, California Association of Health plans.

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Charles Budget. Good morning, morning, Kaiser. Permanente Andrew Feinman.

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Okay. County Behavioral Health Directors Association of California, Michelle, Daddy Kabara Filmmaker, California Hospital Association, Carmela Coil Midpoint Management.

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Probably the one grateful and present. Thank you. Thank you.

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Morning California Association of Health Facilities, Joe Biden, California Medical Association.

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David Ford. Good morning Morning. Partnership Health Plan of California.

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Liz Giveney. Good morning. California. The County Health Executive Association of California, Michelle Gibbons California Association of Health Information Exchanges.

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Laurie County. Hello! Hello! Seiu Matt Leach!

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Here California Healthcare foundation. Sandra Hernandez.

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Good morning. Good morning! County of San Diego, representing the California Conference of Local Health officers.

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Cameron Kaiser. Good morning. Money Blue Shield of California.

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Andrew Keefer. Good morning, morning, Both of local health plans of California lineage coupons.

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Yes, Good morning, and just let you know I have to step away from 1030 to 11.

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But i'll be back on at 11. thank you you see center for information technology research.

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David Lynn, Health Access, California, Amanda Mccallister, Walter.  
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I could. morning. Good morning, California. Primary Care Association, Dean Mccullough.  
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Good morning. Hello, with lanes I'll leave my moderacy Good morning!  
00:06:11.000 --> 00:06:15.000  
Good morning. California Association of Public Hospitals and Health Systems.  
00:06:15.000 --> 00:06:26.000  
Eric Schmidt Morning Everybody California labor federation Janice O'malley, Savage and Savage Mark Savage.  
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Good morning. California Panic Health Network Karan Savage saying, One present California Sorry County Welfare Directors Association, Kathy Sterling, Mcdonald's.  
00:06:42.000 --> 00:06:50.000  
Hi! Good morning! Everyone manifest Medex Claudia Williams learning and the San Diego Community Information Exchange.  
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William New York morning present. Thank you. I want to just recognize our advisory group members from our State departments from the California Health Benefit Exchange ashrih Amara.  
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Morning morning are one of our newest members from the Department of Developmental Services, designated by Nancy Bergman, Jim Switzerland.  
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Welcome to John Morning. Thanks. Thanks for joining us. Department of Aging.  
00:07:17.000 --> 00:07:23.000  
Mark Beckley. Hi! Good morning! Department of Health care, access and information.  
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Scott Chrisman Good morning, John. California Public Employees Retirement System.  
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David Kelly, Department of Insurance. Kick Fisher.  
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Good morning! Good morning! Another new member to the group Department of State Hospitals.  
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Brent Houser. Good morning, morning, Grant. Welcome of the Business Consumer Services and Housing Agency.  
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Julie Lowe from the Department of Public Health, Dana Moore.  
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Good morning. Everybody Morning Department of managed health care at Nathan.  
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Now. good morning. Department of Health Care Services, Lynette Scott.  
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Good morning. Good morning! From the Department of Corrections and Rehabilitation.

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We have Cheryl Larson, and for Diana Tosh.

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Good morning Department of Social Services, Juliana Bigillets, and from the emergency Medical Services Authority Leslie Wittenroot.

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Good morning. Excellent. Thank you everyone with that I'd like to pass it on to under Secretary Markovic.

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Thanks, John. Can you hear me? Okay, Great. Well, just a huge Thank you to all of you for being here.

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And unfortunately you get me, and not Dr. Galley, as you probably have seen already in the press reports this morning.

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The secretary is joining the Governor in the bay area for announcement related to a program where lunching around individuals with serious mental health illnesses.

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And so we're really excited about This concept of Care Court that will be unveiled in more detail.

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Via Press Conference in the next couple of hours by the secretary and the Governor, and so the secretary, unfortunately, was not able to join.

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And you have me instead. So I just want to say thank you.

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First and foremost, you've made it to the sixth meeting.

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I have had the luxury of listening in the background to each one of your meetings, and in the instances where I've been pulled away, I typically listen to him over the weekend when my 3 and a half year old sometimes joins

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me last time he asked what it was, so I had explained to him what it was because he was listening into one of the conversations.

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But what I I just want to reflect on some of the the things that I've heard, and one of the things that I find most striking about this conversation is that it's been both honest and forthcoming.

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It's been difficult at times. I think that there are different interests represented by each of you. and that's okay, and that's normal.

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And that's why we have all of you together I also think that the opportunity that's before us is just unprecedented, and I am just really excited by the opportunity that we have and I think just listening in to the past

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5 meetings, the richness of the conversation, the richness of perspective, has been, I think, a learning experience for me to be honest with you.

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It has given me insights into some of the things that each of you do in your silos, and it also gives me an opportunity to think about how we integrate some of these pieces in a more holistic way.

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So with that, I think that want to spend a little bit of time putting into context for you how we think about the work.

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With this framework relative to everything else we're doing and for me. I think this is a a cornerstone of kind of the broader work that we do across the entirety of the agencies with the 12 departments and 5

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offices that we have, and I almost envision a puzzle piece with the person being at the center of that puzzle piece, and us putting together all the pieces of that puzzle in service of that individual that's getting services from

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the various programs that we administer at the state level but also within the community alongside each of you who are doing that on our behalf, and whether that's the master plan for aging and the work that we're doing there

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to create a age-friendly state whether it's our work around Cal aim and reforming and rethinking and transforming.

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How we do, how we look at our medicaid program whether it's our work on the public health infrastructure, and really thinking about how do we come out of the pandemic, we or even our work with our county partners, at

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Cwd and others around foster care, reform, and really thinking about ccr implementation, the needs of high needs kids.

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So all of these puzzled pieces come together in service of the person. and I just want to really remind each of you as you continue this conversation, particularly today around Governance 2.

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Remember that the focus really isn't about any one entity or individual, but that it is really focused on the person.

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We're all trying to serve and figuring out in ways in which we make those services more person centered and user centered as well.

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And so i'm really excited about kind of the conversation that we are about to embark on today with regards to governance.

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What I will say about the topic today is that we at attempted to put on paper a concept.

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It certainly isn't perfect, and none of this work is really going to be perfect.

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I think our premise here is that we iterate with you, that you help us.

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Look at different perspectives you help us understand where you're coming from in terms of what this looks like, and then we work to figure out how we move forward with that feedback ultimately included in our in our decision.

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Making. but I think I urge each of you to kind of provide us with honest feedback around what you think.

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With regards to how governance really needs to be stood up, because this is part of the work pursuing to the statute, and we're going to have to think about how we stand this up moving forward in order for us to have

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a sustainable effort that is both rooted in transparency and accountability.

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You all have to hold us accountable, but we also have to hold the different players accountable as we move forward.

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So I think those are really important pieces i'll end on kind of My reflection of perhaps the past 2 years, and I think that we, the the the inequities and disparities.

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And we've talked about this a lot, but I think it's worth kind of closing with this and anchoring some of this work in in it.

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From this perspective, I think the inequities and disparities that were fueled by the covid 19 pandemic, or those inequities and disparities fueled the pandemic for a better way to

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say it, I think, demonstrate to all of us that we have a lot more work to do to close those gaps And this work in terms of connecting the data that we have in service of the people.

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We're trying to serve is going to be fundamental in our ability to really address those inequities and disparities, and I strongly believe that if we do not take this opportunity to do this, we will have missed kind of a once

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in a generation opportunity to think differently. about the way we do this work at the state and local level, and I think you'll be shame on all of us if we don't take advantage of the opportunity.

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And so I urge each of you to kind of come together.

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Be respectful of differences of opinion, and help us really think about how we continue to iterate.

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I look forward to continuing to learn from each of you and i'm, really excited to see kind of what this conversation ultimately entails.

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So, although i'm not Dr. Galley I hope that was a little bit inspiring, he's way more inspiring than me.

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I often tell people that I'm, in the fourth year of the Mark Galley School of medicine, and so please let him know if I passed my medical degree here.

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But i'm just really grateful to each of you for your time, and look forward to being part of this conversation.

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So, John, alternative back over to you 200. Thank you so much.

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Thanks for joining us, and I am now going to hand it over to Jonah Roller.

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We are kind of jumped into governance. thank you thank you Marco. If you're inspiring words, I passed in my book.

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We're gonna consider today potential models for governance We've got most of the session devoted to this.

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We're going to go until about 1141 45 for about an hour and a half a fair amount to cover. so forward to getting feedback here and input from all of you

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So if we can, if we can actually go, continue to move through the slides.

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Just a reminder about our timeline there's been some questions about legislative update which we will share with this group.

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It's really going to provide a summary of what we've done today.

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To the legislature, so that will be posted and available.

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That's due to the legislature that update is due on April first reminder that by July one the data exchange framework and the ship different agreement is due to be published by the end of

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July. we have another 30 days to publish the digital identity strategy.

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They'll be elements of that in the framework that will be published.

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But we actually have a little bit more time to do that work.



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By January 30 first of 23 it's expected that those that are specified maybe 133 will execute the day sharing agreement.

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And that by January the 30, first, 24, most will implement it.

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Now there are a couple of other important dates. One is that those providers specify maybe 1, 33 by 24 would implement.

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When we say implement that is actually meaning, they must share data in accordance with the framework and the data sharing agreement with a subset of organizations, smaller practices, and critical access hospitals, smaller hospitals have 2

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more years to to share data. So their due date is January 30, first, 2020

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So those are indicated on this on this material so what we're going to focus on today is first is what are the functions they necessary functions of governance.

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What does it need to do? What activities is we need to carry out to address the barriers?

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We've identified Once we've defined the government and the function go into the format or the structure of governance that are necessary to support those functions.

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So what we want to cover with you and get input on is but these are right functions.

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First all have we enumerated what the core function of governance should be around data exchange?

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What's the right model for this so that structure and how might we update or adapt this to and implement this to make it California.

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That's going to be our focus for today let's keep going.

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So what we're going to do first is just remind the group Why is governance need?

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And what should it do we've identified this in our in our process through the scenarios and gaps that we lack any kind of a single authoritative governing body to develop implement oversee policies for programs in effect

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2 and financing mechanisms to advance municipal change, initial exchange of data of health and human services.

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And there are models in other states. and what we've found through a lot of published research.

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Some that we and others have done is that it takes a really strong leadership role and governance structure in order to advance data exchange models in Michigan and and Maryland in New York, and others have have shown that strong leadership

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and a strong governance structure with authorities is necessary, and including strong policies to advance data exchange.

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The other really critical aspect is how multi-stakeholders, committees that participate in a transparent process.

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And so part of what we wanted to do is structure this in a way that that embraces those those 2 key components in in in the implementation of governance.

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So those are the considerations related to the gap that we have around, not really having any kind of strong governing body over data exchange in California.

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Next slide we're going to structure this in 3 sections One is the purpose, and goals of governance.

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What second is around sort of the legal and contracting framework.

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So we think about both legally. What is Ab. 133 enable the State to do which respect to governance.

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And then through the the contracting mechanisms, ie.

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The data sharing framework. What does that enable the state to do and oversee?

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And We'll go over the core governance functions and it we'll pause as we go through these, so that you have a chance to apply.

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So we'll we'll basically have sort of 3 many sections here.

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So our hypothesis, Our position is that we need formalized governance to drive and oversee the implementation of the framework of the day, sharing agreement of policies and procedures programs and priorities that the

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State has enumerated we've been we've we've proposed that there are 6 goals to govern it.

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The first is that governance has to oversee the framework that includes the development implementation refinement and maintenance of the State today, sharing agreement because it's not going to be something that is in stasis

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it's constantly should be, and we evolving and changing If the landscape changes, adapting and updating common set of policies and procedures that are essentially attachments to the agreement requirements and guidelines that

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will govern the exchange of information in California so that's one goal governance.

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The second is that we adopt an advanced, the exchange framework, guiding principles that you all help shape.

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A third is to create opportunities for stakeholders and the public to have open access to and engage and offer input into governance policies, procedures, decision-making, oversight and monitoring.

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So to have clear transparency, including having, for example, this type of an open meeting process.

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To support that kind of transparency. force is around a forum for the State to consider, respond to and to support a Dutch adaptation of State law regulations and policies, and the priorities as the environment changes a

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fifth is to encourage collaboration amongst stakeholders serving very diverse functions.

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So we want multiple routes of input from various different stakeholder groups, and finally, to identify, prioritize and address policy procedures, programs, guidelines and investments needed to support implementation.

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The framework and agreement. Those are our proposed goals.

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Want to open. Nope. please go back to this. All right.

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Go back to. We have pause for a minute. so if you go back, please, and we have some questions.

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I'm gonna start with David. please. great thank you and thank you for taking a moment to pause.

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I know, you're just starting your presentation but I think it's important that we jump in early, because there's some sort of big picture things that we need to discuss before we get too far down the road of of this governance

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model. I think from from cma's perspective what's being discussed here concerned, that there's an assumption that baked into a lot of this presentation, that we all do agree that there needs to be some strong state

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regulatory body at the moment, and it's a fundamental question.

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We believe that is an incredibly overbroad interpretation of what is in the statute where we talk about assessing governance structures.

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It also sidesteps a lot of the existing governance structure.

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We're going to hear later about tefca and what's happening there.

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What's happening with the Federal information blocking rules and then for the extent that there needs to be regulation over the practice of medicine. No physicians that's the purview of the medical Board and the osteopathic

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medical board. and none of that seems to be considered here while we're sidestepping all of that and creating brand new regulatory structure.

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So I think before we get too far now, we need to have that conversation about.

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Should we even be having this conversation at all? Thank you, David.

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I think ab 133 charges us to assess as you noted governance in California to oversee the data sharing framework and the data exchange station frame we're going to do sharing

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agreement. Em: So I think you're right we are assuming that that requires.

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If, for example, the data sharing agreement has specific expectations about organizations that are required to sign the agreement, and then participate in exchange, that there needs to be some way to oversee that and ensure that those

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organizations that are specified and required by law. California law, not federal law, but by California law.

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Are actually abiding by the mandate and the requirements so that assumption is derived from that oversight.

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That oversight that's specified and maybe 133.

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I think if these are in order, I'm going to go to Deanna next, please, Hi began with California primary Care Association.

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I was actually focused on Slide 22 when I was reviewing the material.

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The advisory group had an event of today, and similar to what David just brought up like.

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I felt I feel like number 4 that's on the next slide developed via the governance structure.

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I was like, wait a second. I thought we were only to a step and a bit of semantics where there's boxes, 1, 2, 3, and 4.

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It's almost like folks should have policies and procedures which is tagged as number 3 before they actually share data.

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So it's a little bit of the part before the horse They're like one is data sharing agreement 2 on slide, 22 is share data, and then 3 is policies and procedures.

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Those 3 things I do see with the trailer bill but I don't see the fourth other than assess governance as opposed to like.

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I didn't think the charge was to create or establish governance.

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So in the assessment what would you anticipate the out, if it wasn't to establish some oversight through governance process, provide feedback to might not be the right term.

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But it's all that comes to. mind right now powers that be of what we assess as opposed to do something as a but like the charge of creating something.

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But that's a very off the top. answer something I'd rather. I'd like to contemplate Erica, Do you want to go ahead, please?

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Hi, everybody, Thank you. I actually had some some process questions before we really delve into a lot of this.

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Meet One is, think I remember for maybe 133, that that the administration is required to submit our report to the Legislature on April first, and i'm curious.

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If that if somebody could please confirm that memory for me? and if so, what is the substance of that report and the status of that report?

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And how will this group get to provide input on that report prior to its going to the Legislature?

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And then also, and I and I know we're trying to dive into governance.

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But I'm curious about again going back to one ab 133.

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There are a number of issues that although we've we've had some really good substantive conversations.

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There are a number of issues on the list of things that that need to be included in the in the totality of our consideration. That haven't come up yet, and and I think it would be helpful in the course of today if we could

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get some sense of how the remaining 3 meetings will address all of those issues. and then also just appreciate the very high level conversation we're having now about what's in A B 133 specific to governance and

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what's not, and how how we can think about that and and and how the the you know what what tenfka offers and relates to this conversation, and how to make sure we're not reimbursed the wheel

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I know that's a common theme in these conversations so we will.

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We are required to submit a report by April, the one to the legislature, we will share what is proposed with this group following us: meeting What is going to be proposed is a synopsis of what has been covered in these

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material in these in meetings, one through 5, and then any takeaways for meeting sex, so that the intent is to provide them with an update of where this had advisory group What has been deliberated?

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And what are the takeaways from prior to discussions including things like?

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What's our vision? What are the principles What are the barriers that have been identified, and what are the initial set of of recommendations that have been reviewed and discussed?

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And so yeah, That's the intent and to get feedback from you virtually through, will distribute, and then have that posted publicly by April first.

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And we can also take on towards the end of the of the call, Erica sort of the the path for the next.

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The last set of meetings that we have leading up to the July.

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One publication. and that includes having this group review the data sharing agreement draft that's being developed by the subcommittee which you've been getting regular updates at the end of each one of these

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meetings. and the data sharing framework document that will be drafted and then reviewed with this group that may not have answered all of your questions.

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But that's very helpful to speak to great we're cool. Please go ahead.

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Thank you so much. i'll keep my comments short in the interest of everybody's time.

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But really do agree with encouraging collaboration among stakeholders.

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I think that the process questions, Eric answered, are important. Thank you for already addressing them.

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And then I think that's the one mentioned but not reinventing the wheel.

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I think the work that's been done already should serve as somewhat of the model as much as we can integrate.

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I think the work that other other people on this team, including lanes and others that have put in the work.

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I think that we shouldn't reinvent the wheel. but instead really work to figure out the how to incorporate these diverse functions.

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So i'll just keep it at that for Now I just want to say thank you so much.

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Thank you, Rah! I appreciate that. Claudia, do you want to go ahead?

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Yes, sure. yeah, I I guess i'm appreciating the short timeline.

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However, i'm finding it hard to discuss and think about governance having not seen the data sharing it feels to me like the data sharing agreement and policies are the art.

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The it, and then the governance should be governing the it.

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So the first thing is just would love to I know you just mentioned you'd be showing that.

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But just get a timeline. and process for when we'll be, I think, that it's gonna take a lot of discussion and feedback from us.

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So want to be sure There's enough time built in so for us to really give that its due in the next meeting, or whenever we'll be seeing it.

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We've sent and shared some feedback already. but I think it's hard this piece feels like it has to follow.

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It has to be a aligned with what it is.

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So that said a couple thoughts about about governance, I think I would be.

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I would be very Mvp. about it. I would be thinking about the minimum viable product for what needs to occur. and I guess I would define first what are the functions that need to happen? Just generally and then ask do we need a governance body?

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To do that. So one function has to be enforcement of the requirements.

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Who's going to enforce them are the requirements clear What are the consequences for not meeting the requirements that likely is not a governance body issue that is an issue for the State.

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Now they may lean on in a government's body to help them with that.

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But I think we need a very clear definition of the enforcement approach, and that is related to a very clear articulation of the mandate itself in the agreement like you will meet it by doing these 5 things and if you don't do that here's

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the process. I also think there needs to be a way to update those requirements again.

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That is a function of the Government that may use an advisory body to inform them that.

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But I would be careful to avoid any governance that doesn't have a clear function that's related to the data sharing agreement itself.

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The The last thing I would say is I am very supportive of using qualified intermediaries. and I think that's where you get closer to the kinds of governance structures.

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You might have in other states like in Dc. which is not a State, but has such a process.

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So I think the if if the state if we're going to be establishing qualified intermediaries, there need to be a set of criteria, and that gets a lot closer to an actual network amongst those diverse

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networks, and there you might actually need to see some more hands-on governance of that of those relationships.

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But that to me is distinct from the enforcement piece and the updating of the requirements piece.

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So I guess I this feels much too amorphous to me.

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I would first get clearer in the agreement, and then think in terms of those very distinct components.

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But the the more traditional governance of a network I think really falls into the qualified intermediaries.

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But I don't know that it is necessary for each signatory to the agreement.

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Thanks so much. Thank you, Claudia. yeah. I think the timing I totally agree with you like the timing is not ideal.

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We have 9 months to develop a day sharing framework day sharing agreement.

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Establish all these processes. it's light speed So timing is not optimal, and so we are we do have to develop these in parallel, and unfortunately, we can't wait to have the discussion governance before the sharing

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agreement is is published. so what you know as we've done we're trying to.

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We're trying to publish drafts of sections as we go, so that it can help inform given timing That's the best, I think, with

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I also agree with you just in terms of that like minimum viable structure.

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So are you. we call some Mvp. minimum Viable You had a really good term for that.

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And I agree with you I don't think we want something that is that has you know that has features and functions that aren't necessary to to enable our vision and what's specified in the framework under ab 133 and the things you

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mentioned. we're actually going to go through those as minimum viable product like it.

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We're actually going to go through those step by step qualifying Hivos. There needs to be some apparatus to do that.

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They need to be criteria established. There needs to be a way to actually vet those, and then to communicate those to the market, and then to actually establish that kind of program.

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In terms of requirements of dsa I agree with that too.

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That's going to be a living document there needs to be a process to continually update them to keep it current.

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And just in terms of enforcement those are other aspects. we're going to talk about those as we go into the functions.

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None of that exists today. so back to I think david's question. We have to ask why we need it in the first place, that's what we're doing today.

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We're going through these. Do we need it for enforcement Do we need it to qualify hos?

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Do we need it to develop updates to data sharing agreement?

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Our advancement of this recommendation is that they are.

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Now, what does that Now that's why we're going to go into the functions piece toward the end?

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We need to get through. What are our goals, what are the specific functions, and then what form should it take?

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And when you said it's a form of government Claudia, i'm not trying to take words at him up.

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But you said something to the effect of enforcement and the developing require.

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You know, ongoing certain policy procedures, requirements of government.

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And I think, General, we agree with you but that shouldn't be done in a vacuum.

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I'm sure you would agree with this that's got to have like the collective input from multiple stakeholders who are participating in the activities of data sharing to help inform the State about what needs to change But I

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I totally value. and I think your comments are right on and what we're trying to get at today is what are those course that we still governance needs to oversee in order.

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So that we can actually implement these policies programs, requirements of the Dao sharing agreement.

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And what form should it Take we're going to go to Charles Rocky, Please read Thanks.

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Good morning. Claudia actually took a lot of what I had to say.

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So that's I will shorten it just wanted to be another voice that I think we have to consider there's some kind of governmental or centralized entity that has some ownership over this and I think that's because the

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current situation. we're in right now is under the current situation we're in right now, which is the reason we're on this work group, and the reason we're doing this I also just want to point out that you know when you move into the

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second tranche of adoption of the Hiv, you know.

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Not doing anything would lead to plans trying to through their contracts.

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Impose requirements on their their networks.

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In a way that would be highly disruptive to network development, highly disruptive to access.

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And I think that could very well be a step too far in just hoping that plans are gonna be able to force people to do this at the end of the day, and I don't want to use the term force but when we get

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into this second round of adoption it's going to be difficult for everybody. and there's going to be resistance, and I think we just have to step back and think through you know who's going to be the one helping to

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facilitate that and making it work. And I think Claudia had great great points on that. and I just also want to second her points about teasing out the governance role.

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A little bit more accurately. and and that makes this discussion a lot easier.

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I think, focusing on the d The data sharing framework is is a very safe ground. I would imagine.

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I think once you start to drift from that into other rs and responsibilities in this space, I think it's you start to get into different colors of opposition is how I would imagine it would break down for people so just take that

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into account, as you guys are doing your your deliberation, but just wanted to put my voice out there.

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That I you know I think it's we have to be realistic about this.

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Thank you, Thank you, Charles. I really appreciate certainly your comments all the comments but the points you're making about health plans and trying to incentivize adoption and at risk that it poses to networks

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for those who don't complain why if we have a more concerted effort that crosses multiple different sectors, including medical Medicare to the extent that that's even feasible commercial etc., So that

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we're and then public payers. the marketplace cover California calpers, etc., and if we're aligning and having similar requirements across each, it's much harder for a network participation to say no because the

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implications for each are are more or less the same.

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But that only happens if you have some sort, of a coordinating entity and real alignment about what you're trying to accomplish, which is part of what this and we'll see this as we keep going the materials part

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of the function is to try to get alignment about that kind of activity, so that we're not jeopardizing one sector of the health care delivery system, and having providers say i'm not going to

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participate. So I definitely appreciate those comments. android. Do you want to?

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Please go ahead. Yeah, thank you Jonathan really appreciated sort of at the top of the meeting. Marco, naming a couple things that that i'd like to just highlight in relationship to this conversation about whether we need a

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governing body at all or not one is this really is an unprecedented opportunity that we?

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And if we look at where we are today, we have many different.

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Some might argue many different silos that really together have sort of created a decentralized authority, decision-making happening, and somewhat of a utilitarian way.

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And so I think that as we look at what we need to to create and do, we should recognize that we will need some very strong State leadership and a role for State government and perpetuating and updating regulations and compliance with

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the framework possibly also doing Grant making to support medical groups who need to be able to participate.

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We have very good, more models of governance in California, whereby we can set aside conflicts of interest, hold up a set of mission, a north star about a a system that shares data in a way that serves

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consumers and patients. First and foremost, that manages conflict of interest.

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The transparency and accountability a ton of input by the various stakeholders that we would want to comply with what we're trying to achieve.

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So I really applaud folks for the straw dog I don't agree with all components of it.

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But but the strawberry that we need a strong government entity and strong government leadership conflict of interest with good public access.

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Not just committees that need and give input but that actually is accountable in a public way.

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And where decisions are informed by all of the stakeholders unequal realm.

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So I I I think, you know i've no stake in this game, except to try to get us to a system that really does share data.

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First and foremost for consumers, and so for me this you know sort of straw dog which starts with a very strong world for the State, think is absolutely necessary to address the very complexities that we've been talking about for the last 6

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meetings we do have good state models for this i'll hold my remarks on how we might strengthen what even was proposed today, and I would just ask folks that will want to live in the status quo and we'll figure

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it out. we'll sort of help plans that's what we have today, and it doesn't work it doesn't work it doesn't work for what we're trying to achieve as a state and it doesn't work certainly for

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us thinking about how we really begin to address health, disparities, and health, and so appreciate the opportunity to bring.

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Thank you very much, Sandra. that's a really very meaningful comments.

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I particularly. I appreciate sort of your monopsis of sort of the status quo, you know.

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Basically it's gotten us here, which I think charles also similarly echoed appreciation for us in many respects living in our sectors and silos, which has resulted in us being in a place where we're

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not leading the pack. We are not in the top of other States.

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In their advance of Hiv. I mean part of that has to do with State leadership, and part of us has to do with having a platform for coming together, and I and I and I will make sure that we we get to it today when we get to the

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actual form, and the different models mentioned like covered color. or you may have but others that have other types of oversight will

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We'll receive your comments and others and see where we went. I know we've got a lot to get through.

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I mean it. Try to guess and i'm going to say Mark Savage. You're going to be the last one to comment on this particular topic, and we'll move on.

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But we're going to go next to David Linnan please go ahead.

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Thank you, Joan and i'll Try to be brief given so much that's being covered in first. appreciate very much again.

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What Sandra just said in terms of the overview and the importance, and putting all issues aside.

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So we have a collective approach, and thank you for indulging to have several of these key issues raised.

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I would just add on to several of the comments that I Do think that it's wonderful that we have Onc. and you're going to be hearing tough code later, because of the importance of framing this within the national

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framework, and what has already been done as opposed to creating a real, either a redundant or a parallel system.

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So i'll leave it at that to Keep it short and just to come back to one process issue.

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I would like to build on to what erica's comment was earlier in terms of the review process, since we will be getting to recommendations, etc.

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It would be very helpful to know how the Advisor Committee will be able to sign off as opposed to just commit information to it.

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I think that would be very helpful knowing as you're moving forward. How we can anticipate being able to contribute to do a document to your findings that are being put forward to the legislature that will show

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consensus. Thank you. thank you Thank you David and we'll try to recap sort of the process for sign up on that document first of all, and then the attachments like the day, sharing agreement in the framework as we

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go. Oh, wait, please go ahead. Thank you. I think, for this initiative.

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To be successful. we do need to have a governing body, and ideally, that would be a kind of a public private collaboration.

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I think the State has a important role in this as especially when it comes to financing in financing mechanism and access to the Federal funding as well as enforcement.

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There's some other comments was made around that so I think there's a it's important to have that governing body that can establish trust and and transparency and as this thing kind of stepping

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up and and coordinating across these multiple stakeholders.

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Thank you, Thank you, Ellie, and I just to focus on the trust aspect is really critical.

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It's one of the one of the main takeaways from all these reviews of other States governance processes is, if you don't, and it just goes back 1520 years of analysis and implementation of of H.

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le that if you don't have they used to call it trust fabric, you need to create an environment where people's voices are heard, and where you can be collecting and put meaningfully, so that you can create the policies that

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are necessary to establish robust data exchange so having that being a core component of governance, I think we all agree, and and it's, and it seems evident by the successful models and states if you don't have

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that opportunity as Sandra mentioned. as Well, to provide input from the variety of stakeholders who are impacted sometimes in their silos to have very different of you. then you can't really establish a truck fabrics that's going

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to enable this work. Okay, mark last one before we move on to the next section.

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Thanks, Jones. So i'd say a b 1 3 3 takes a a critical step forward, and in some ways to the nation a unique step forward, prove health, equity, and better health data shift exchange in California It did not surprise

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me. Therefore, knowing that we need governance, we need better health care outcomes.

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It did not surprise me to see the proposal here, for many of the reasons that Sandra articulated.

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I think we and it makes sense to me that we're looking at the goals and functions in order to in order deliver accountability to the State of California.

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Thank you. Thank you, Mark. I appreciate that. and as one of the consumer representatives or those who, someone who has represented consumer interest in many and many other venues. Thank you.

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This is a really helpful discussion, and I again, I, reflecting on Marcos comments, We have different points of view.

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Part of our our goal for having such a broad committee is to make sure we hear everyone and try to find areas of consensus where we can move forward with some recommendations.

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I'm going to go to the next slide. and I think I want to make sure that we cover Yeah, I think it's part of your comment sort of about the the process.

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And maybe maybe just to be clear this isn't necessarily meant to be a progression. it's really meant to be.

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These are. these are aspects of the legal and contracting framework.

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And so maybe that will help again clarify some of here.

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On some of your comments. So, just in terms of the legal and contracting framework, so maybe 133 basically establishes that how Hhs has authority to oversee and Tdi is an office within

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it the oversee implementation of the agreement and enforced the policies and procedures and the requirements for entities, entities that are subject ab 130 three's data sharing mandate so those that are spelled out and

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those that ultimately sign the agreement so it's very intentional to have both a mandate and then the data sharing agreement that has links to requirements and policies and procedures that allows for the

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law and the contract to essentially be aligned, and then for the contract to be a vehicle by which those entities are accountable.

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So first of all, just to just to try try to spell this.

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What this means. A. B, 133 specifies helping to human service entities that are defined in A, B, 133 that have to execute the agreement and the agreement will be, we intend it to be

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sign between those entities and the agency. In this case, Cdi. I.

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Acting as an office and in And again, let me just go through sort of your, I think, what you were suggesting or proposed to reordering.

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But if we, if we think about okay, so you've got the data exchange from and the agreement you look at Number 3, is well, that agreement is going to have requirements policies and procedures that that the signatories would need to be

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contracted, obligated to comply with and tied to a b, 1, 33, and then once.

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Those are signed. Those signatories are required to share data with other dignatories of the day, sharing agreement.

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And A. B 1, 33 specifies that the Exchange framework is going to enumerate what types of information gets shared.

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And it lists, for example, us Cdi version one as sort of a starting point, but that the State may enhance that they may go to version 2, as that becomes finalized and then promulgated or other or other important elements that need to

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be in addition to that number 4 is the that the framework and the agreement would specify other policies procedures, and the requirement that may over time, and we expect should over time be specified by some form of

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governance, whether It's just a government entity or whether it's a more process that we establish it's all ongoing It's it's an ongoing role and a need to continually

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evolve policies and procedures, technology changes policies changes the environment changes.

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We've seen that over the last 2 years with covid and it requires that things that we keep paying with that and might need to adapt our policies.

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Accordingly. Purpose of this was really to try to link the A. V.

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1, 33 requirements with the control factual obligations under maybe 1 3 3.

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The data sharing agreement, so I want to pause for a minute and see if there's anything here that doesn't sound that they may be confusing, or that might need for their clarification, and if not we can go into

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the functions, but want to give a here for reaction. I think i've mentioned this before in this group, and I shared it with you guys in comments.

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This is sensible to me, but I don't think it integrates the concept of a network that would satisfy an entities duties so that may be one layer down from this.

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But the concept would be that you, you know Dr. Smith joins X. Y.

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Zhe, that h ie. performs the duties on his for her behalf, and that entity no longer is going to get into incoming requests from other entities.

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So I just think we I feel very strongly that we need a way to allow somebody to pick their partner and not require that organization to satisfy the thousands of ways different people want to exchange so that i've shared our comments.

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With you. But I just think that we need to be super explicit about that.

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Otherwise we'll be back in the spaghetti spigot, you know, against everyone trying to do exchange with everybody without using networks, which I think is not where we want to head.

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I this is totally, totally fair, and I and I agree good point that we, if it's not specified here, as we go through this process, we make sure that it's specifically called out and it's one of the reasons we have

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this sort of qualifying. I know you know this, but we have this qualifying process.

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If you qualify an hio that satisfies Thesa agreement, you know requirements. Pmps.

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Then then a practice that says i'm going to sign up with this hio that has been qualified by the State basically up means that they have as long as they meet the terms of Dsa.

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They're there, they satisfy state requirements we I think that's right.

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We need to specify that through this qualifying process, and it could include, we have to consider.

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There are a lot of many organizations do sign on to national networks.

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Are those national networks able to meet those requirements and so that's something that needs to be considered as well.

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And do they go through a qualifying process. I honestly don't know the answer to that.

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But I think it's a very valid point quiet someone we should.

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We should make sure we, or as sorry we consider in our recommendations.

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Okay. great. I mean to move us forward. to slide 23 on core governance hours go to 11.

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So we have 11 activities or functions that we are suggesting, maybe required for for governance.

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Want to make sure we we we provide as much time as necessary for each one of these.

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The 11 are listed here on the slide harmonization of State law with Federal law, development and modification of data, sharing agreement policies, the enactment of data strength to see the policies and procedures and requirements review of federal

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standards and national effort, forcing and monitoring compliance.

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Having a platform dispute, resolution, program, development, and financing identification and qualification of exchange intermediaries.

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That's the qualifying Hiv concept communication education to to the broader stakeholder community.

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Ongoing review of the data, sharing agreement and coordinating with other branches of State and local government.

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Basically working with other institutions, public health, public health agencies, social service agencies. as the need to exchange human service data expands and broadens to whatever whole person care.

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So those were are the proposed core functions. Erica looks like you have your hand up.

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Thanks. I I wanted to echo whoever it was that raised the concern That enforcement seems like if we're talking about governance enforcement may not be part of governance, it may and maybe beyond the scope

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of Ab. 133. It may be something more that the State needs to consider as as policy, but not as part of governance.

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And just generally, as we're thinking about what these functions are it, and the size of California and the complexity of thinking about things that the you know factoring, and what already exists at the national level.

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And then also think you know, at the State level, and then and then local

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I want to pose the challenge that we may not be thinking of a single governance model, that as we think about these functions, there may need to be more of a hybrid approach that. and and then that will of course, complicate things in thinking

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about where these functions lie. Yeah, I you know I think it's a really good point, Erica.

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So we, when we consider governance there may be I If this does get to the form that governance takes and also gets to Sandra's point about conflicts of interest.

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If you have governance that involves multiple stakeholders, how can you enforce specific policies or requirements?

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If part of those who are part of governance or or like on the governing board, would be subject to those that that enforcement.

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So we we do have to think about whether or not where enforcement might lie structure of governance, and how how we can ensure that if there is sort of this enforcement component, it's not fraught with any types of

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conflicts, and so maybe it is deeper into in state government and it's it's somehow.

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Some degree separated from what governance form is taken.

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So we should. As we go through this, we really need to consider that and there may be other functions that are like that that we would consider So this would be sort of the hybrid.

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Approach. I think you mentioned and and see, probably had a comment about you. did this.

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Well, David, so thank you. rule any. See your hand up again?

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Any comments. Yes, just truly, quickly. Thank you. I really do feel like lame Chcf. and we are all lined.

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But we really do want to re-emphasize the need for governance.

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I think we appreciate the discussion, and there is definitely need for governance.

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And really look forward to the discussions with Cal Hhs regarding the proposed process.

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So just thank you so much. Thank you yeah go ahead I don't disagree with the need for governance.

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I still don't see where the advisory group is empowered.

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Create it. Number one and 2 perfect we are task is to and I State law with the Federal law in the framework we recommend to the legislature, and we are with developing policies and procedures and the data sharing

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agreement were to assess what governance functions are. but I and we know, I agree.

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We that governance is necessary, but I don't know that anybody on here can appoint me to where we're saying Yes, we we should create it.

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We can recommend it as part of our report to the legislative in April, and that might be where you're headed.

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But to say this is the governance structure I don't know where my feed on the advisory group is authorized to do that.

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That's a good point This group isn't actually authorized to do that.

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This group is charged with as advising the State and the Secretary and the Health and Human Society Services Agency.

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With a set of recommendations, with a set of recommendations to establish the day sharing agreement and the data exchange framework, one of which is to assess the governance structures that would help guide policy decisions

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So the charge of this group isn't that that too, and it's not empowered to actually establish governance.

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It's to get input and feedback about what governance might look like, and what functions might it take, and what form might it take to oversee as we need to?

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According to A. V 1 33 the data sharing agreement and the did exchange framework, and and that's a good reply.

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And it's definitely forward thinking as opposed to a more black and white assess what already exists.

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So. Thank you, Thank you, Sandra. Do you have a comment?

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And just really, briefly, Jonah I don't disagree with whether we can create governance as opposed to recommend it.

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We're clearly in a situation where we're making our best recommendations possible to the Secretary into the State.

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I don't have any argument that I did want to though.

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Pick apart a little bit. This notion of the hardwareization of State law with Federal law.

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First of all, federal laws change and will change, and we do have a model, and California, where State governing entity a harmonizes with federal law.

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And that's covered California covered California is an exchange there's Federal laws that govern the exchange and aca, and one of the things that that governing body does is harmonize with those laws it also takes advantage

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of pulling down Federal dollars, which we also would want to be able to do in this circumstance, and it manages conflict of interest quite well.

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It has a public process by which anybody, any anti stakeholder has the ability to give, input.

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As policies and procedures are made i'm sort of struck that we have this sort of circular conversation about Yeah, policies need to be made somewhere, and the notion of where is really the question we're trying to answer in some

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way, and I think, not having an old public process Why, we're all by which all stakeholders have an even say in access, there may be a subcommittee of health I ease There may be a subcommittee, of a number

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of entities much as covered California has done today quite effectively.

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I would argue in working with health plans as its executed Federal law and State law.

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So I don't want us to get too many obstacles in our face, who we have very good models by which we can adjudicate, meet the criteria that we're talking about here in terms of having a

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mechanism for both promulgating requirements. M. and policies and procedures, and having a process by which all stakeholders have a public way to give input into that process.

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You know. Again, I I agree with you sandra I covered California's model. has been instrumental in creating a very successful marketplace in California, and having that open meetings Act Bagley Keen public process to review and consider

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and provide input to for anybody in California. policies that covered. California is going to enact has been in my view, and I think, he, what you're saying is instrumental in its success, and we to embrace that as part of our

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model. And I think what we need to consider when we get to like the form governance takes.

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Is is this the right form to do that because what we're what we have on the on the I got to it today. but what we have in the structure doesn't have the same kind of oversight body this board that that really

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directs covered California. It has other components like this. These it has like that public process.

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It has. these advisory committees much like this group is advising the State.

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So we do really need to consider the form that we're proposing going to support these functions appropriately, and get the job done and allow us to do what we need to do.

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I hope that was responsible. If I could just say you know I think you know I I didn't design covered california's governance structure.

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But I think if you really ask any of our plans, our consumer advocates, our legislature our executive branch, our our federal representatives.

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They would argue, I think, all to a one that that governance structure by virtue of the consumer advocacy, and that has regularly been of the process, has made that exchange as effective as it has been.

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Yes, it's had great leadership and many other things but and and I think, and a situation where we have such decentralization all, all well, meaning right.

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No judgment made every every one of these stakeholders that we're hearing, and that are on this group all well intended

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But but if we are ever going to do some of the things that California has said, we want to do. I mean one thing Marco didn't mention this morning, which I would also name we have a health care for all commission that's been looking at

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unified, financing, instrumental pillar of that is that very strong and effective data.

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Coloring capability. so I don't want us to be lost in the can't possibly harm in with the Feds.

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That was just, not not the case. And the there is a way to put the conflict of interest aside and make sure that policies are made with the best input from all of our stakeholders.

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And we have a very effective model for that i'm not proposed the That's the identical model for this.

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But i'm saying, those are the key structural components that I think we should be furthering as the recommendation.

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Yeah, and I think that point about consumer that consumer input as I'm one of the drivers for this as well taken.

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We're going to keep going and we're going to get as far as we can in terms of the functions, and so we're going to go through each one, sometimes 2 by 2, sometimes by 3, and get some input from you on each of

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these are these required. Are these necessary? And so Sandra just mentioned, Harmonization is State law with federal law.

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Recovered California. that works for you know health insurance marketplace requires umments, policies, etc., because that's what they do.

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We don't have anything like that in California when it comes to a platform where we're reconciling ambiguities, or in congruence between State and Federal law.

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What we're suggesting here is this governance structure is the platform. To do that we would harmonize meaning that we would identify State law that might be i'm out of alignment with Federal law processes by which we

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can aligned State law regulations, policies, and procedures and guidelines.

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That conflict reconcile them so that they don't. So that means that group would advance so that it got governance would advance policy proposals to refine state rules.

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They may actually proposals to the Federal Government where in some cases you got conflicts, and we've identified one just between Hersta youth Uscbi version.

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2, so that we would try to modify where we can, or advance proposals to the Federal Government.

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To rectify what we feel our ambiguities in Federal law.

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So that's number 1 one function harmonizing those rules second is is an ongoing development and modification of data sharing agreement policies and procedures.

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We strongly believe that the initial draft of the data sharing agreement as policies, the procedures are essentially going to be version one that they are going to propel need to be updated to adapt to our changing environment.

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And we need a place to do that. We need an open and transparent process by which that's done.

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We stakeholder input need experts to help advise the process by which those are done and what actually those policies and procedures say. so.

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There are a number of pmps, for example, that were that are listed here, and these are the types of be considered.

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What types of privacy, or security or consent requirements are needed?

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What are the purposes of and use allowed use of data notification processor data?

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So There's a list of actions or sort of policies and procedures that we think over time. and these are not the universe.

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These are important that would need to be that would need to be continually updated and aligned with.

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Again. Sandra mentioned Federal policy, which also is continually, changing and we don't want to be out of step with it. Pause for a minute.

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Give you get your input to these 2 functions feel appropriate for some sort of governance function.

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Again. let's try to put aside the exact model is this going to be all within State government, or is there going to be some sort of a I think, for these if we don't have stakeholder input this can't be

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done properly. can't be done well let's just are these functions on their own for a moment, and get your input into these feel right or anything you might adjust with these the comments from Claudia Supportive I think functions harmonization

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of law. So long as the governance body advances recommendations that the State takes needed light leadership and drafting those Yep and drafting legislation.

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David, please go ahead. Yeah, Thank you, And and I will set aside my thoughts on the conference model to to address this number one here and Number 4 on the next slide are very very important.

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And they dated go hand in hand and that's Why, they were very intentionally.

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It was very intentional at Ab. 133, that the Federal framework, the national standards, that that's repeated all throughout the statute by those of us who are who are negotiating ab 130

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3, because we are living in this world of Tefca and the information blocking role.

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The patient access rules the and we want to make sure that whatever We're doing here in California.

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Hughes very closely to that so that we're not creating overlapping and confusing regulatory structures on providers.

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We're already living under a lot of Federal rules and We Want to make sure what we're doing here at the State goes along with that.

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Thank you, David, I am 100% I think we agree with that sentiment, and that's and and that approach we have to make sure we're in alignment with Federal rules and standards.

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We have to if we're developing policy it cannot be in conflict with Federal rules or standards, and we actually in a 2 meetings ago we had a very similar discussion around standards.

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Maybe the last meeting we had around around can stand standards for things like social data.

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And the this group, I think rightly, advised the Calhoun.

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Hhs that there are standards that are lacking we shouldn't. We shouldn't be in the in the in the job, and the role of developing those standards we should be at pushing the Federal government to do that I think

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the same goes here. we shouldn't be enacting rules that are going to be out of alignment see something that doesn't seem right like person version 2.

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We should be advocating for those changes as opposed to making them ourselves, and being out of steps.

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So I think we're we're in complete agreement with your sentiments, unless there are others.

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I'm going to move on to the next 2 items the next 2 functions, enactment of data, sharing policies and procedures and requirements.

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So what do we mean by this? This, Essentially, what this means is: you go through this process, creating day, sharing agreement policies and procedures, and then we implement them.

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So this essentially means there's like we are oversee obligation to cooperate with respect to the framework that there are clauses around nondiscrimination, so that they're we include restrictions

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from prohibiting and impeding exchange that the data blocking rule question or issue that you you raised.

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We want to ensure that that exists in California.

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And as we've we've noted we want to ensure that if California is going to in any way expand those types of that that we have a process by which we do that, and so there are other things that we might

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do when we are enacting those policies and procedures or those requirements that the State would support and oversee.

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I'm sorry governance would you know what overseas and then I think, David, you already covered you already mentioned this already.

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The fourth is around reviewing Federal standards and national efforts.

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So the function of governance here would be to continually like on this ongoing basis, identify what the gaps are with respect to ways to expand upon Federal standards and policy. And I just commented on this, as well if we see

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misalignment. If we see we want to try to advocate for, identify them and advocate for changes at the Federal level wherever possible, and that we would engage in Federal agencies.

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A good example. Ocr. we've heard for over a year that they're going to be changes to 42 cfr part 2.

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We are, I think, very well positioned. as the State to be able to offer our recommendations. Given all the work we've done in the last many years, and work, for example, Calhoun is moving to integrate physical and behavioral health

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and to enable more effective data sharing between part 2 providers, physical health providers, and others who are writing care for individuals.

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We should be the ones through this governance is what we're suggesting we could advance specific policies at the Federal level, help them inform and help inform their decisions based on our experience, which I think is actually pretty robust i'm gonna pause,

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again and see if there are any reactions to this. Say, Claudia, you got your hand up.

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Please go ahead. Sorry for all the I mean it's actually occurring to me.

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I'm trying to kind of come up with the right mental model for what we need, and it's occurring to me that what we're describing is a little bit like the o Andc.

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And committees that are advising on policy but aren't it's not a governance body for a network right.

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And so i'm just encouraging. you to maybe think about that kind of model, because I think it trains better to what ab 133 is, and isn't and there's a very established process for who gets to be

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on that committee, and their recommendations are going into the Government for that.

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And you know you have all that versus a advisory committee in a State that's running in exchange, where you're establishing the privacy requirements for that particular exchange.

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Right. so I just think you might. Also, I love the example.

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Sandra Dave of Cover, California, and I think there could be some great elements there.

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But I just really feel strongly. We have to remember this we're not covering a network.

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You have not established a network through ab 133.

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It's a set of requirements and so maybe the own bodies are a great example of providing really rich and robust feedback to the government.

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But the Government is holding the authority of enforcement and other kinds of things, and I think you're totally right, Claudia, in terms of the model.

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This you know that we you've heard the secretary say this and there's a B 1 3 3 actually specifies this maybe 1, 33 does not establish a statewide network, a single unified statewide network and you've

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heard from comments in the beginning that the purpose of this advisory group is to establish a single statewide network.

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One single network for data sharing like some other states have Maryland's good example.

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But there are others north governance here is a little bit more it it's got. and this is I think the this to some of the comments about this hybrid model some part of what's being proposed here is oversight and

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enforcement of organizations like H los that are actually exchanging data.

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Some of it is advancing policies and recommendations So and and what we're proposing here is that governance needs to be holistic.

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It really needs to cover the waterfront of both oversight and enforcement and the development policy and programs which are also really important.

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And we've heard from many of you we need to actually have financing programs, incentive programs.

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We port the development of more infrastructure to advance.

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Hiv. I I totally think you're right claudia this governance concept that we're describing here is broader.

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It's not just about overseeing a network or networks.

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It's really trying to get as much input into how to enforce those, how to create policy, and how to ensure that there is

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There's a process by which we have broad stakehold engagement to do that great.

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I'm going to keep going so we have on the next slide. 2 more functions. we've talked we've talked about the enforcement piece, but we just to iterate here or to elaborate I should say number, 5 is around enforcing

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and monitoring compliance with policies and procedures, requirements and guidelines.

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Those are that exist in the day sharing agreement or will, and the data shit and the exchange framework.

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Monitoring. compliance is one thing. there are going to be thousands of signatories to the day sharing agreement.

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There needs to be a way for the for or calhoun Chs which is response before we're seeing it to be able to monitor signatories and ensure that organizations that are required to sign agreement and share data

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are actually signing the agreement and sharing data and to that effect that they're enforcing it.

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Now we haven't defined what enforcement means we're not going to go into details today about what enforcement means that feels like it needs to have a lot of more stakeholder input and dialogue about what

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enforcement means. but broadly, it is We would say that enforcement needs to respond to breaches.

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Compliance, and then of policy, procedures, requirements, and guidelines.

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Potentially, we note potentially sanctions and remedies that may include monetary penalties, remediations, suspension, a participant

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And then enforcement processes need to some sort of process for a appeal.

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So there has to be a way for organizations if There's gonna be this type of enforcement to to appeal.

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Based on whatever grounds they feel are justified so that's the enforcement and monitoring piece and related to that is dispute, resolution, and grievance.

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We're suggesting that there should be a process by which if all these signatories are coming on board.

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How are you going to resolve this piece? How are we going to ensure that this State has a process by which is some individual, an organization that is subject to Kb. 133?

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How can we create a mechanism by which that entity can appeal for that?

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An organization or a consumer can say, I just experienced through.

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You know an organization has not protected my data and some way to ensure that

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There's a a process for this figured this would get a little bit of attention, so i'm see some hands up.

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Think the first one was, Was it erica that's all Laurie light at first, but Erica, please go ahead.

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I'll take it I appreciate that you raising this because I think it really does speak to what we're tasked with, and the painstaking process that was the negotiation of A B 1 33.

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And I guess I just we maybe i'm a purist here, but I I i'm i'm not denying the importance of the issue of enforcement.

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I just I just don't think it's part of the purview of what ab 133, and and it's something that needs to be wrestled with I just worry a bit about scope creep

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for this group. Yeah, I mean I I totally hear you erica and it's. you know It's one of the reasons why I preface my comments here by we need this is going I need a lot more dialogue there are a lot of

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organizations that are you know that that don't have a lot of resources.

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And so complying with this, and then being subject to some of enforcement, is going to be incredibly challenging.

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So we it's going to require a great deal I believe of stakeholding to really define what enforcement.

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And I think we're trying to sort of walk the fine line here, and and balance that statement with a commitment that there will be some mechanism by which they're the States and oversee and enforce requirements

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that it is obligated to oversee an Ab.

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1, 33. So I think the way that we need to set this up in terms is to is to note that this is going to require significant, more stakeholder input to define what enforcement Yeah, It seems like an iterative process.

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To me. we we come up with yeah with what with our charge, and and and note that this is something that needs to be addressed subsequently.

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I think that's right David, too, glad David I think you're on me.

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Turn it all sorry about that. I was brilliant.

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I know I know it was, but you can do it, I said.

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Some really brilliant stuff. I was on Youtube darn Okay, so quickly.

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I know we're up against time so I will just mention quickly. we have not yet seen a final ads oig rule from the feds on their enforcement information blocking.

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So as we talk about again, trying to hue the Federal roles and trying to not create extra regulatory burdens on providers, and trying to adhere to sort of the national network.

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You know the national standards. It might be good to see that final role and see where the Feds are going before we figure out.

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If we need to fill in any gaps. and thank you, You know, on there.

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On that point, I think what we should do to amend this is to note that the enforcement, any enforcement here is really enforcement of any California specific lawn policy specifically that are attached to Dsa that we need

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to to really seed enforcement of things. like information blocking per federal rules to the Federal Government. So that's number one.

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I think we should actually very be very explicit we don't want to duplicate an enforcement process.

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If the Federal government's already supposed to enforce it I think the second point is a good one.

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We do want to consider what the Oig rule is going to be reinforcement, I think, in the last week we just saw a report about information blocks blocked information.

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And I think it's probably a didn't Daniel, anyway.

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So they're starting to Monitor it. they haven't really started to enforce it, and it would be good to see what they are going to put their planets.

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Laurie, please go ahead. Yeah, I agree with what the other folks are saying as well, I think, for number 5 and 6.

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Really what we're talking about is again this framework for enforcement and monitoring the policies and procedures which would come.

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I would assume subsequent since we haven't even developed the policies and procedures.

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Yet. So once we have those identified then the enforcement and monitoring, I think we would feel it's an important feature, but I believe it's further down the road on our timeline, then and and perhaps setting that up would make folks

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feel a little bit more comfortable with what is it you're enforcing.

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Well, we'll know once we have the peas pmps in place.

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Yep. So I think I think that's right and I think what we can do is amending the State.

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David David Ford statement about making sure that the Government enforces their rules.

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We do ours. We should also note that enforcement, really does need to follow establishment of policies and procedures and requirements.

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That's a really good point and we'll add that more explicitly.

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Lineage, we go ahead. Yeah, Thanks, Linea, with the local health plan.

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Maybe just building off that last comment in terms of enforcement following the development of P.

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And P. think maybe also following kind of the actual mechanism.

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For this data exchange to occur just that, you know.

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Great have the Dfa. in place, and for entities to sign on to it.

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But there has to be the infrastructure. and mechanism to actually be exchanging that data.

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So I know that's something that this group has discussed before, and that there's, you know, proposals out there to support development of that infrastructure locally.

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But just wanted to make that comment, and then specifically related to the governance function.

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Number 5. I would just note that I think we were surprised at the level of detail here and appreciate your comments that there's there needs to be more discussion about what this looks like.

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And I think you know it makes sense to discuss what's appropriate what's reasonable and feasible and practical, just given that there will be thousands of Entities signing this agreement, and then which Entity, should be responsible is it

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Cdi. or if there are other other regulators that should be responsible for the oversight function of this.

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So look forward to further conversation about that in subsequent meetings, or seeing how you, you know, might modify these functions based on the discussion speculative, and I appreciate that i'm also just noting andrew talked about me your comments about principles

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that definitely thought about that reflected on the meeting and a half.

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It took us for us to go through the principal, the day sharing framework.

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What I think we we probably do need to do probably not with this group, but subsequent to any advancement of governance. The percent of government's recommendations is to outline and maybe through the process after July when this is

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published just to outline what those principles are. and how we may need to make sure that we're distinguishing like what is in the role of the Federal Government versus.

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Us. So I definitely appreciate that absolutely thought about that honestly we backed away because we just felt we didn't really have.

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We just needed more time, and we and I think we do i'm going to keep us going.

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So we have program financing and development. So here are our our next function, we feel is critical.

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It's a little different from what we've been up to now around policies and enforcement.

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But I think this also speaks to how, having a multi-stakeholder sort of process by which we are identifying, where investments are needed, and how investments are going to be made in capacity and infrastructure that having

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governance play an important critical role to defining that so that we get all input. and i'm going again back to sort of Sandra's very wise comments that we really need a collective process because resources are finite to

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specify. Where are we going to make investment we got to make sure that if we're going for a process, if there's state funds, if they're private funds, if there's philanthropic

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funds that are being dedicated to what allocated to establishing or and infrastructure that we are really diligent about where and those investments are made.

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And we have to be a really attuned to the disparities that exist in California today that have become really apparent in the pandemic thoughtful about more investments in areas where to address those disparities.

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So the proposal here is that governance is going to actually have a function by which those types of investments are prioritized, based on use cases.

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Consider the policies and procedures, of course, that are required.

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Things that might need to be established and changed with respect to the policy.

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But then to really establish a framework for for programs, one technical assistance for the small and under resource providers.

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And and I know Cma Pat David you made comments about this, that the last meeting we think we agree it's important.

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It's called out specifically there should be a process by which the group really helps define what's the scope scale and approach to making sure that that gets done and that we're we're targeting the right institution and we're

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addressing disparities, establishing incentive programs. and This gets to some degree to Charles's comments earlier, ensuring that there's alignment about what those and incentives programs look like not just in public programs but public

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and private, not just in medical, but in calpers and covered California.

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We want to make sure that you there are programs in place that incentivize, h ie.

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Adoption that it is consistent across our spectrum.

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We also think it's necessary to like approve annual plans putting forth goals and priorities on a routine basis, because again, the environment changes, and also it feels like we need a process by which we have

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intergovernmental inner department data sharing practices and policies.

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There's groups of departments and agencies that are intentionally on this group, and they're here because there's real need to data sharing across public health social service healthcare human service programs and there are real

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barriers that are in the way. and this this function would help identify what those are and establish policies and programs that would break down those barriers.

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So that's function 7 again. It is different from the other functions we've been discussing.

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But we feel it's critical the state feels it's critical to

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To consider, but the program financing and implementation and efforts that are needed to build infrastructure.

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I see, Cameron, you've got your hand up so thank you very much speaking for the local health departments.

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We obviously support this governance function particularly because a number of our smaller departments will really need a lot of help to be able to get up to speed on some of these on some of these requirements and for a number of them.

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They don't have The internal epidemiology resources to really make good use of data coming in or for those who may be consuming that information.

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Be able to generate the kind of data products that other groups downstream would like to see.

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You know this is I I don't think that this group will obviously be able to boil that ocean completely, but I think that it could very much inform whatever funding decisions or policy changes need to be made to enable all of our 61

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jurisdictions to be able to effectively participate in such an organization.

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Thank you. that's a really really good comments and I think, Laurie, i'd see her note sort of supporting this and and and making sure that we're not just focused like on small and under resource

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providers, but we're talking but we're also inclusive of depart from of small local agencies, healthcare, public health, etc.

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That that are providing incredibly important resources and services to to the residents of California.

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So I think we can also make that much more They called out here.

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Thank you that's great at the end go ahead you may be on mute.

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Yeah, I switched devices. Can you hear me now? Thanks.

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I trip on the adoption. of vhr's and potential, Ehr Seems very small in scope for everybody that we shares data.

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So I just and yeah i'm an advocate champion for ea hrs.

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But it's very focused to the clinical that's true, and I think we need to be we should probably be.

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We do need to be more clear that was by example but we've also heard, and we recognize that there are other institutions that don't necessarily need electronic health record.

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Even a certified when i'm a certified Hr.

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Technology. in order to share data there are lighter platforms that would allow for data sharing, and even do so in compliance with, I think the rules we're going to establish the day sharing agreement.

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So that's a good point. and we can elaborate on that, to make sure we're not just focusing on Hr adoption body up your third.

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Yeah, I am super supportive of incentives. data sharing incentives, and we've been doing quite a bit of talking with people, and you know the are great examples within California outside California.

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For that. So very, very supportive of that I think the piece, I see, is missing, is the and you know for full transparency.

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We're part of a coalition. that's putting forward a \$100,000,000 budget ass that supports incentives as well as infrastructure.

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But that infrastructure piece the data infrastructure I know we've talked about it here, but I just don't see it reflected here.

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Maybe it's on implied on the next page when you talked about qualified enemies.

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But that section doesn't talk about funding so I would just call out that we, I think, to the extent that we are selecting qualified intermediaries, and we want those intermediaries in particular to serve medical and other under-resourced

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entities, the counties, etc. then the infrastructure itself has to be funded, not just the quote on boarding of a provider.

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So would just call that out, whether on this page or the next page.

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Yeah, it you're right. I think it is it belongs that really belongs here.

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I think, because this is around program financing and it isn't called that, and we should put it here.

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So that's a very good amendment and melodic Yeah, I think I think this one speaks especially loudly to the needs of California's individuals and and communities and all that A B 133 asked for social determinants

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of health, health, health, equity, underrepresented communities, underserved communities.

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I think, and a 133 some really important steps forward for them.

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I think what's implicit here, but I just want to check, not only identifying

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You need new opportunities going forward, but also some degree of evaluating whether we have accomplished what A. B.

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133 set out should be should be accomplished.

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No, there's a phrase you can't improve what you don't measure It's said for many times for a good reason, and I trust that that's implicit in the in the list here it is but it's

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not here with it, and it should be yep no mark desert. That's a really important point that we have not explicitly called out as a function of governance.

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I think, when it comes to this may be in the place of monitoring where we sort of monitor and evaluate a progress towards any specific goals that we're trying to accomplish.

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So I would I would suggest to our team, we'll put will will incorporate that, and if it's not monitoring, we can put it in a different place.

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But being able to actually capture how we're doing and and measure progress is critical, and we have to be explicit about.

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We're going to slide 28 so we have 2 more functions here.

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This goes to the first one. This is sort of the qualifying exchange.

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Intermediaries. Function of governance here would be to identify intermediaries who meet minimum state requirements.

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You can support data change specifically those that are called out and day exchange framework, data, sharing agreement policies and procedures.

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So we would establish a qualifying process for those entities that meet those requirements, and would be able to bend, Publish who those entities are, so that a provider an entity of of any type that is considering you know

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participation in how they do it would be able to to undertake who's been qualified to meet the requirements.

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It would also be a process by which if you're going to receive, for example, State funds, or public funds.

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We'd want him to make sure as the state agency that Recipients are going to comply and be in into the day share agreement, and did exchange framework There may be some some criteria that are

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established. These are by example, These have to be full, more fully vetted and flushed out.

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You governments have established to do this you know what type of form in any would be what's, minimum assets they might need? Are their insurance requirements, attestations to conflict, and then other things like audit and

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oversight, so they're process like that that would have to be put into place.

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We provide some examples. And again, this is the kind of thing that if governance is established, and this is a function it would have to be

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This would have to be rounded out, and it would have to have this.

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We would suggest. It needs to have stakeholder participation to make this comprehensive in a transparent way.

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Number 9. I know it sounds a little bit like mom and apple pie, but it's really important.

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It's really important to particularly. consumers, who don't really have a really good vehicle, and and point access and understand what this all means to them.

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But we believe that, having a function of governance to be around communication education, not just to the providers who need to adopt the framework and the agreement and a shared data, but to organizations, like I said consumers who really

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can benefit and will, and should benefit from this to understand What does this mean?

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What are the policies of the framework, What are the best practices and sharing the things like informational guidelines, reporting on participation or new developments and connecting needs and support with available resources and tools provider who's like

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I need help. Where can I go to get technical assistance there? in our view, this would.

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Dysfunction would really help direct organizations that are seeking assistance to you know, local technical assistance, provider, or other resources that can them completely with with the rule.

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And I agree. Mark this communication: Education are essential to trust.

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It really is part of the trust fabric that we're trying to establish here.

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Any comments about these these core governance functions, and that please go ahead.

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So I guess maybe more of a question than a comment.

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But under the communication, education absolutely agree. that that's really important and often doesn't get adequately funded. But is that where we would think about things like consent and understanding consent and dealing with some of the whole opt-in

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opt-out messaging and such. So and I guess the other thing that kind of comes along with that, that, I think is intended around the data exchange framework.

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That is, is probably really important and tied into the area. is that understanding of what it means for this data to be exchanged.

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So we we all go into the banking business, right and we move our money around, and we know that it's secure, and we know that it's following protocols, and and we do it on our cell phones and everything else

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right. You know the the world has changed that way we don't Go into the office to bank, and I think what we're trying to do with the data exchange framework is to help transform our health and social services and human services to Be able

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to deliver those services and have data move in a similar way And that's a very different way for people to think about how their data is being managed.

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So all of the you know, notice the privacy, practices, etc.

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It seems like this ties into this number 9 in particular and the transformative nature that everybody's been talking about of the data exchange framework means there's there's a really large push that needs to happen.

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In this space. Yeah. think I think you're right when it comes to and think we need to be a little bit more explicit about some of the items you just mentioned, and particularly around consumers around informing them about their

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right about things like consent. What What are the rights to consent to share or to protect, and not to share?

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Notices. It feels to me that this is this set has to be part of communication education.

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This would be a good place for that for that to take place, and to sort of have centralized way of informing consumers.

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I do feel like it's not the only place that consumers should be able to go if we have technical assistance providers. if we have others that are funded through state private philanthropy ideally that there's going to be like this

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component around community that is integrated and aligned with what ever the State might do here.

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And I see, David, I appreciate your comment in support of this of the programs that's terrific.

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Okay, I'm gonna go on to the last functions

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Then I think we have to go to public comment we might be able to squeeze in a few minutes, and just briefly, our function is.

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If not, we're gonna have to defer it to the next meeting.

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Tribune sticks. Okay, last 2 ongoing review of data sharing agreement.

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So I think this has been stated by me and others nearly by me, and this last couple hours, the day sharing agreement policies and procedures.

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Requirements are going to evolve over time critical form of governance is going to in our view, need to have a process by which that's done open, transparent way with public advisement to help to help refine based on

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evolving State and Federal off policy and and the environment.

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And so this process would be to do things like a set thresholds.

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Minimum requirements. changes to policies, and procedures and The last piece I've already mentioned as well has been discussed to some degree is around coordination, rather branches of State local government.

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There are obligations under A. B, 133 for good reason that there needs to be this work with local government, agency, social service, human service, public health and health care service agencies to support their needs and to help



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them the share information with each other, and with and with others who are providing care to their clients and those who seek services from them. Part of this function that's being proposed here is to have a coordinating function with other

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branches of government and you'll you'll see in the the the structure of the proposed governance model that there would actually be a forum by which that would happen.

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So we would think that that would be necessary. to have coordination with other licensing agencies in this State, and also with local county health, public health, social department.

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I'm going to pause again for one moment see if we have other thoughts about these 2 functions.

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Any other questions that please go ahead. Yeah, thank you matt leisure with a Cia just want to really stress that I do think that the coordination function is really important.

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And it's gonna be a lot of different systems so sort of helping the local health departments and others to sort of make sure that they can.

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Looking back about the the sort of need for the networks there and making sure that it's easy for people to input data and receive data.

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So really and appreciate you calling this up. Okay. We have approximately 40 min.

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I think the question is, do we want to spend 5 min of time?

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We don't have on our agenda to go over and at least introduce the structure kind of feel like it would be helpful to do that.

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I don't feel like we may have added adequate time to really get all comments on it.

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John. o'hanyan How do you feel if we spend 5 min on this structure before we go to public public comment, I would say that we can squeeze it out.

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Okay, all right great. So given what we've described in terms of these functions like there's general there's a lot of support for most of the functions that were described.

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We now need to consider like how might a structure of governance be established to that's fine cut that's going to support and enable those functions.

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So the diagram on the left is fairly simple, but it would depict what governance form might include.

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There would be this oversight role for cii like a calhf.

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This was established maybe 1, 33. That would essentially be the decision maker and implementer of of governance.

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So the Cdi director and their staff would oversee advisory groups and subcommittees.

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They would enact monitored and enforce policies, requirements, and guidelines.

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There would be advisory groups. There are 2 that are depicted here.

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We've just talked about engagement with local health agencies. it feels like we need to.

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We need to really figure out where that fits in this structure whether it's with local departments, whether it's with the Calihhs department.

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Make that broader would appreciate some thoughts about where that fits but that there would be advisory groups similar to this one, and there could be multiples being depicted on the left.

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They would, they would be beholden for example to open meetings in Bagley King to transparent and open as possible, allow for public stakeholder groups to advance recommendations.

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Again they'd operate under domain specific Charges that are prescribed by Cbi and Calhhhs, and the Ag could be composed in order to what we have here at least for the stakeholder Advisory

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group, and like a department or a a public public agency advisor group could be established as well with A. with a composition to be determined. we would expect that subcommittees are going to be needed.

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We've already heard about some of those We may need a policy procedure subcommittee for those who are really more technical in nature who can actually advise on what are the appropriate policies and procedures make sure we're

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aligned with, like the an agreement where ever necessary

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And that they would percolate recommendations up to the advisory groups that would be advanced to Oh, hhs

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So that's very quick skim through of the proposed function.

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Sorry this proposed str That would be that would support the function.

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And Cameron, do you still have your hand up or where's that yeah camera.

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Go ahead. Thanks. I just wanted to mention that some of the structure already exists for a few of this, for example, for the health jurisdictions through Cclo, which is the local health officers affiliation through

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Cdp. H. There is a health systems integration group already, which may be either connected or even could serve, and part of this rule.

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So I think it would be important to make sure we don't duplicate existing structures with this to the maximal extent possible.

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And so Kimmer is suggesting that there may be a way to integrate that, or to get input from from that from that group.

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Not only suggesting it i'm recommending it i'd be happy to if you know and this is not probably something we'll decide today.

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But if depending on how that structure looks i'm happy to make that contact, Yeah, Cameron, if you wouldn't mind following this calling this meaning, if you can forward at the specifics, just so, we have more of that context, we'd

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rather happy to thank you and recognize the the comments from lineage.

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Looks like Liz and others that we that we do need more of that local county representation and represented here, which I think is you really important. Given everything we've just talked about in the last 90 min.

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Erica, please go ahead. Just want to re-emphasize the recommendations that I and others have made around a hybrid approach.

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So when we talk about a structure and really encourage us to think about structures agree on building on what what exists and what's been successful, and what we can lean from Tefca, and and think about what's most

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appropriate at what level so that we're not we're not just implementing a single structure.

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I'm going to ask for a favor, would you would you and others be willing to describe what that hybrid model might potentially look like, and how this would be modified.

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So that by the next meeting we may have some ideas about what that might.

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What that might actually that design might look like i'll say Yes, i'm volunteering a bunch of my colleagues.

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We've heard it from others so I assume if they really care about this.

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They'll they'll want to weigh in and I exactly I think they will.

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Happy to thank you all right, Sandra. please go ahead and Then we're going to go to public Comment sure Journal.

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Let me again. Just be super appreciative of how important the interdepartmental piece of this, and enter.

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See piece of this is, and so I just wanted to punctuate that first and appreciate that. that's been given a lot of attention here.

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I guess my concern that, with this sort of stakeholder, multi-stakeholder committee is, that's a very difficult way to think about effective governance.

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Another way to think about that might be, to really have a statutory role for the governing body, whereby both the Legislature and the executive branch, the governor, etc.

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Would would jointly appoint a governing body

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And that gives you both the statutory authority you need.

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And also, I think, importantly, potentially the access to resources and capability that we might want to get through the budget process for many of the things we've talked about here that shared appointing authority might come from the

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Legislature and the Governor jointly. again, mindful of conflict of interest, and still allow all of the stakeholder advisory groups to be able to feed into a governing body, and therefore make a much more

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effective decision-making process. I want to and we'll be happy to put this in writing, or Johnny.

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We've talked to us a bit about this and we'd be happy to document it.

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I don't think it's completely parallel to covered California, but we have other models like this, and I think there's something to be said for the Legislature as well as the governor of the administration to

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jointly be committed to effective governance in this way So i'd encourage you to think about and look at those models.

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We can look at ones that have worked in the State. I think Eric is right.

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We have many examples of things that we work well, and we should take from those examples and try to reply them to this in the spirit of again.

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I do think lot of the decision-making here and it's why there's so much angst about you know regulations and and and enforcement rightly.

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So I get that, I think, in order for the kinds of decisions to be made that are fair to take into account all the various stakeholders positions would be good to have an entity that has some statutory authority from both arms

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of government, and that has really good conflict of interest roles that allows us to take the stakeholder input and make the right decisions on on behalf of what the open where our chinkle is.

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So that's what I would offer as a suggestion here. Obviously those would be open to public meetings super important to be able to do that.

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And ultimately promulgation of paul's or decisions about how allocation of resources happen are inherently small. P.

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Political. those who have the greatest influence in the those decisions end up oftentimes influencing excessively what kinds of decisions are made.

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And if you have a body that doesn't have that conflict of interest, I think you're much better and much more likely to get policies that are fair, and they really advance what our goals are here so i'll end with that thank

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you, Joe. Thank you, Sandra. I will definitely take you up on further any further advisement between now and the next meeting that we and and comments that you may have about how this structure might be modified.

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Accordingly. So we will gladly and thankfully take you up on on that offer.

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And then we're running a little bit behind But this was really very informative and really appreciate your insights.

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We're gonna have we're gonna come back to this the structure discussion at the next meeting.

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We have a couple of other topics We have to cover and then

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So I think we've got our I think we've got our plateful for the next meeting.

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I'm going to turn it over to john I think we have public comments.

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I don't think there's anyone in the queue yet.

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And there may not be, which is fine. but we we we have we have a governance process.

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Sorry, unopened meeting process here, and they're going to turn over to public comment now, and we're just going to skip.

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Thank you, Jonah. At this time. it is gonna be our time for public comment.

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If you have a comment, you can insert it in the Q.

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And a or otherwise you can raise your hand and use to zoom.

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Teleconferencing options. Please state your name and organization of affiliation.

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Please keep your comments respectful and brief, and Emma will recognize individuals and take them off for you if we can begin public comment.

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Now. Thanks, John, we do have one hand raised that's John healthy John. i'll go ahead and allow you to unmute.

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Thank you. I would just like to thank everyone for all the hard work that you guys are doing at this.

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This is a very complex process and rigorous environment. and I just want to make sure that governance at the Federal and the State at the Federal level is is optimized and just highlight support for liz's comment Well, as

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Laurie's comment on the inclusiveness of people in the you know, funding process that not only needs to be.

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And claudia's comment that not only needs to be providers, small providers.

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But it should be. anybody that has not connected should be included with a with a priority on the small providers.

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And that I h ie. infrastructure does, you know, weigh in at that funding level as well as Claudia pointed out to to achieve what the objectives are here with a B 130

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3. and understand that this is very complicated work and the hiv's through khi or some other form should have input into, you know structure policies things of that nature, because we don't need roadblocks in

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the in our way of the good work that we're doing thank you, John Emma, who do we have next thank you for your comments.

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Next up is Stephen Lane. Even you should be able to unmute now.

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Great. Thank you. Yeah, I absolutely support the the important central focus on small providers, and those who have not historically really been able to enjoy the benefits of the broad interoperability we have across state, especially as we bring on more

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stakeholders to support more use cases. I think it's also important, though, to remember that large providers who are already interoperating, you know, tremendously with huge volumes of data supporting care across the continuum and across

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the State also need to have a voice in the governance of this effort to make sure that we don't you know, in the effort to meet the remaining needs of those who've been unable to connect have unintended consequences on

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those who who are already doing this work. Thank you, Stephen.

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Do we have next, Emma? I do not see any other hands raised at this time.

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Okay. And then, essence of time, we were gonna go to Rim to discuss and update on the digital identity strategy work. Rem: Thank you for joining us today.

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Thank you, John. We can go on to the next slide, please.

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Just to review where we are on the process of developing a strategy for digital identities, a reminder that Ab.

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133 calls for us to develop a strategy for unique, secure digital identities, capable of supporting masterpatient indices to be implemented by both private and public organizations.

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During the month of March we are continuing to explore strategies and components, but we'll be focusing more and more on privacy and security as part of those discussions in April. We'll complete a draft of the

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strategy and intend to refine that draft during May.

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This organization will see the draft in april at April meeting and work with us to finalize that strategy at the May meeting.

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It's gone to the next slide. Please and I don't want to belabor our plan to get input here.

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You've seen this before. However, I will pause here for just a second.

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A lot of our focus in March will be on security and privacy, and that will be one of the next focus.

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Groups will be convening this month with a lot of emphasis.

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There. I will say that some of the activities that focus group have been delayed because the organizations, the stakeholders that we want to engage are very busy right now, and I would encourage anybody that has additional suggestions on who

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to include there. Please forward them on in particular, we have very few suggestions or volunteers for for health plans, and I'm really looking for help from this organization in helping to identify suggestions for discussions that present a health plan point of

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view. We move on to the next slide, please. Really, what I want to touch on today primarily, is 3 emerging concepts or for strategy.

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This is not the strategy per se, but some of the, and invite any feedback on in the call.

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For digital identities as a collection of data elements just establish identity, a recurring theme that we're hearing in the focus groups.

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Is that we should be focusing on linking data to the correct individual, and that is in contrast to creating a golden record for the correct demographic information.

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For any individual that has implications on what we do in that digital identities would be collections of the data that are useful in linking to health information, and that we would not put a huge emphasis on determining whether any

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particular piece of data, such as my address is the correct address, rather than a collection of addresses that has been that have been reported for me over time, and may help link data to me.

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So that first point is a focus on data linking over a golden record or message management of patient demographics.

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So move on to the next slide, please. Here in the call for unique and secure digital identities.

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There's been discussion on what specific data elements might be included in a digital identity baby.

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133 calls for us to exchange us.

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Cdi. V. one In the discussions here we have focused on a subset of us.

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Cdi. v. one that are useful in linking data Again, with that focus on linking data to the correct individual.

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That means that a digital identity might not comprise all of the information in us.

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Cdiv one, but that that would be the starting point.

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I would note that the demographics information associated with us, Cdi are not in themselves uniquely identifying any individual.

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Robert Catherine does not uniquely identify me.

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My particular birth date doesn't uniquely identify me in fact, those 2 take taken together, may not, but only in combination do we have the hope of really uniquely identifying any person based on demographics.

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So what the discussions have suggested is that we would add additional elements that do uniquely identify individuals.

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And you can think of those as, for instance, my health insurance Id does uniquely identify me.

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And so that there are existing identifiers not a unique, not a new health identifier, but existing.

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You identifiers that may be useful as Well, and We'll be discussing those over the course of this month, and especially talking about the security and privacy aspects of these types of data elements.

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We go on to the next slide, please. And the third item here is that we have been talking about a piece of infrastructure that may help A B.

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133 references support for master patient indices and one of the discussions has been to consider an option that includes creating a statewide index of digital identities that everyone that's participating in the

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data exchange framework might use to better unambiguously link their data to a single identity.

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You might think of this as being a place where I can go as a provider and link data to an individual because linkages to that individual's health plan are there, and it's easier, therefore, for me to link my clinical data,

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with the data of that health plan. let's go on to the next slide, please.

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And this is where i'm really looking for input from the group here.

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I have primarily 2 questions today. The first is, does the focus on linking records over a statewide golden record for each individual?

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Does that align with where this group believes we should be in align with our principles. and the second is, are there any specific concerns on any of these emerging tree strategies that we should take back to the focus groups and discuss

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from further varying in mind that there will be a lot of privacy and security discussion that is ongoing.

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I know that our time is short, but I do think we do have some time for questions here, and I see, Kathy, that you have your hand raised.

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Please go ahead. Yeah, Absolutely. Hi, everybody. The This is going to be one of the most fascinating and probably infuriating aspects of trying to link things together.

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I just You know, with the experience that we have doing file clearance processes.

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Sorry I have dogs doing file clearance processes for people who apply for medical, Cal fresh and cal works.

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We ultimately don't do that in a fully automated way We have humans who check that and double check that I know that is not very practical for the kind of conversation that we're having here.

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But we've learned in some cases the hard way that If the algorithms are not spot on you end up with duplicates.

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The wrong people linked, and so I would just say I do think that linking makes sense.

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I don't know a great reason why but my gut is that that makes the most sense versus some kind of a golden record in particular.

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You know I sort of just shared some concerns.

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I think it's a really good goal. i'd Remember that we do already have a very extensive client master index.

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The client Identification Numbers are sin numbers that are used in medical, and that might be something that could be built upon. and I know that they ate to Hcs.

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Have done a lot of work on this idea of electronic identities.

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And so if they've not been brought into that conversation it would be a good idea.

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So just just a few thoughts and it's a it's a one of the most fascinating areas of what we do, making sure someone is who they say they are and not picking up the wrong person or creating

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duplicate records great. Thank you, Kathy. and I think one of the things that I would take from that discussion is that we need to consider and make room for humans to be involved in this process, and not necessarily expect automated, mechanisms.

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To be perfect, but strive for as much autumn as we can.

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There are a lot of people in California that are getting care and a lot of records to link.

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But your points are well taken, Andrea, I think you had your hand up.

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Yeah, Thanks very much. I just wanted to make this group aware.

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I think, at the last meeting there was a a public comment that brought to our groups attend that there is a Federal project underway, a proof of concept that is being led by livid partners, and the Karen alliance and this

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is related to test the Tefca standards with regard to consumer identity, and I think it's going to be an important source of learning. Kaiser permanent day has decided to participate in that and it will be

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an opportunity to see the degree to which this kind of reconciliation can happen.

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Using a federated approach as outlined through the Tefca standards.

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So just want to let you know about that. Make sure that, we were tapping into that learning as well as a State, because I think it might provide some really special opportunities to learn about the capabilities of being able to do this

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work. Thank you. Great. thank you, Andrew. Mark, I wanted to acknowledge your comment in the chat, and then you had your hand up as well.

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Thanks. Thank you. i'm not sure I have a settled view on the first question, but I would lift up a use case for consideration, which is Californians access to a longitudinal health record through this digital exchange framework

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And if you're thinking about that as a use case does that cause you to lean one way or the other, there is from A.

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From a Californians point of view. there is importance in coordinating that information. reconciling that errors addressing errors.

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So i'm not you know I don't that doesn't mean I have an answer one way or the other to the question. but I think that's an pretty important lens to use in thinking this through

thank you thanks mark and one

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of the things that if I didn't mention it before I want to make the distinction here is that we're not saying that we would not exchange all of the data elements in UsCD.

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lv. one that is called for an Ab. 133, but that they might not be part of digital identities.

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But I think your point is well taken. What is the role of digital identities here, and to what extent does it really meet all of our needs?

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So I think that is an important conversation for us to continue to have I don't see any Kathy.

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You still have your hand up, but maybe I didn't know if you had another comment to make.

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I don't see any other questions or comments this time. We are going to be continuing our work on digital identities with focus groups.

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Through this month. And again, if you have suggestions on participants in the focus groups, or any comments on today's presentation, or any of these thoughts please forward them on. It would be great to get any comments at this high level by

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mid-march, so that it can go into the draft strategy that you'll be seen in april, John.

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I think that's all for me, Then and I turn it back over to you.

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Thank you, Rim. i'm gonna We are counting down 11 min till our presentations.

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So i'm gonna try to wrap us up and hand off to Jennifer for the data sharing agreements.

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Subcommittee update. Jennifer.

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Thank you so much, so i'm going to be very quick because I recognize that we're vastly running out of time.

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The last data sharing subcommittee, and if you could please switch the slide to the next one.

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Thank you. At that last data sharing agreement subcommittee.

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We discussed topics on the future use of data received through the framework, such as what happens if you receive this data through the framework? can you aggregate the data and use it for another reason, such as to doify it

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how Hippo would apply, for example, should hip would be a baseline, even though some entities are not covered by Hipaa.

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What about a minimum, that necessary standard for requesting data that is essentially a default standard whereby you would limit requests to whatever information is.

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You know, necessary to achieve the purpose of the request. We had a conversation around authorizations, and you know who should be the who should have the burden of getting the authorization.

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The data requester or the data recipient.

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We had conversations around our definitions. We had a conversation around cooperation and nondiscrimination, which really is about both.

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How the organizations will work together to achieve the purpose of the framework, but also, you know what needs to be addressed in terms of preventing sort of behavior that access discrimination between competitors such as for example, I you

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know, respond to your requests for information slower than I do with my non-competitors.

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We had a conversation around data quality, and you know, for example, should there be some kind of minimum threshold for that.

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And then, lastly, we spoke and discussed especially protected information is right now.

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We've been talking a lot about you know hipa and about some general information, but we haven't really talked significantly, yet on especially protected information, or those laws that cover them, such as behavioral health, you know, part 2 was mentioned

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today. Lunchman Petra, short lunchman developmental disability services, act or other kinds of California law that provide certain kind of extra protections on certain kind of information.

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We've already received feedback on draft language We wanted to thank you sincerely for that.

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We cannot do this without you. Our draft language is posted on the website, so you can still provide feedback.

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There are also additional opportunities to provide feedback on the draft language.

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So you you still have time at the next data sharing agreement subcommittee, which is on March the 20<sup>th</sup> s.

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We will continue to discuss the draft language. We will also discuss the draft data sharing agreement with this group on May the eighteenth as well as on June the 20 third.

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You can provide written comments at any time. we'll have more precise information on that review period.

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Soon I did see a question, the chat around having at least a week to review the full draft language, and we agree.

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We recognize that you need enough time and our review period will reflect that So thank you very much.

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I'm gonna go ahead and turn it on over to John. Thank you so much, Jennifer, appreciate it when I do a few housekeeping items with everyone.

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If we can go to the next slide free. So on our gaps and opportunities update.

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Thank you very much for everyone, for sharing feedback on our data standard provider identity management and consumer data access opportunities both last Month's discussion and the subsequent comments were well, received.

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And they were just excellent. We just really appreciate everyone contributing a few of the changes we made in response to those comments include under opportunity one in the next slide.

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Or maybe there is a one sorry about that. No, you can go back. Sorry.

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I thought there might have been a slide on each one of these opportunity, one improving the social determinants of health and demographics, data collection and used to identify and address health disparities.

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There's now an emphasis that California should have a process to evaluate relevant and new Federal standards as they're released to determine how they may be implemented, and California should work with the Federal Government

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so standards whenever possible, rather than creating our own. noting that standards maybe paired with common collection and reporting requirements, and instead of both public and private payers, California should consider the feasibility and efficiency of

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incentivizing the connection to, and the expansion of health, information exchanges community information, exchanges, and other intermediaries to support cross program and cross-sector, exchange and the use of social germans of

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health and democratic data opportunity to enhance the provider directory requirements to incorporate provider, address information that California will and may build upon Sb.

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137 requirements to also require the posting of Np.

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Type, one and type 2, which is organizational and individual provider.

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Information, including a addition to provider endpoints, and then finally on the to on the consumer, access to their information.

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Health information, we should evaluate whether California log governs consumers access to their longitudinal health information. since the Federal information, blocking and patient access interoperability rules defer to State law.

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So the complete updates to the opportunities as well as the comments were received or posted on our website.

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Please submit any written comments and as I mentioned before we're giving you till Thursday March.

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The tenth to get back through I also didn't want to leave our meeting without coming back to a question raised at last meeting about funding, and I saw a number of comments in the chat over the past 6 months the

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Stakeholder Advisory Group has dutifully fulfilled its Ab.

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133 responsibilities, providing Cdi with invaluable advice as it develops our framework,

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Including elevating several market gaps that would benefit from additional private and public investment.

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Cdi will consider these gaps and potential funding opportunities as a part of its normal budgetary request process.

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Excuse my dogs in the background. Sorry, And as State budget discussions are confidential, I will not be able to further speak further to process or potential requests, except to note that the successful implementation and governance of this data

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exchange framework is an is an agency and cdi priority future bcps will be posted when public, and there's going to be a link in the chat that you can look for and I Thank you

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all for your comments and feedback on that item from here. if we can go to the next slide, we're gonna share summary of notes in the meetings in the weeks to come.

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We're also gonna develop our pre read for the next meeting and if you can.

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Please just continue to give us your feedback we're moving this along pretty quickly, we know.

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But your your comments and feedback is invaluable.

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Our next meeting next slide, please. Our next meeting is on April the tenth at 10 o'clock A.

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M. Please note that we've adjusted the sequence of proposed topics for our remaining meetings.

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Next time we'll wrap up our discussion, on governance and consider regulatory policy, and any other remaining business operation opportunities, our 2 final sessions will be reviews.

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We reserved for review and discussion of What efforts we are building for It's for the data exchange framework draft as well as the data sharing agreement.

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So with that I want to thank all of you for joining.

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And now it is my extreme pleasure to introduce our our National Coordinator for hit from the O. Nc.

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Mickey Tripapi. I don't welcome mickey thank you for so much for joining us.

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I'm happy to really delight to be here so looks like you've got a lot of work underway.

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We have a great team of internally and externally, as you can see many of them here today.

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All right. Great? Well, I thought I would just, you know, really give just some brief overview, you know comments on on Tfca. our vision for Tfca, you know kind of where it is.

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And but really look forward to, you know, really to talking with all of you, getting your thoughts and feedback, and and and questions that I may or may not be able to answer.

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So. so I think, as you know, as many of you may know, Tefca has been a long process.

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You know, when we came in or when I joined the you know this role was January twentieth.

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1Â min past noon on January twentieth of last year, and and then it seemed like it was, you know, pretty much dead in the water.



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It was, you know it not made a whole lot of progress. There were a lot of things in it.

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I think that you know that at least raised some concerns about whether it was going to be scalable, whether it would actually work in the market, and and and also had a little bit.

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You know too much of a you know, sort of the government role from my perspective Federal Government role.

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And so we did a number of things to, you know. Take a good hard look at it. Think about you know where it was.

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Was it going to be something that's going to be that that we can you know, have greater confidence that would actually be valuable to the market that it would complement things that were going on in the market but helped to

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pull them forward, perhaps in a way that's difficult for the market to, you know, to do on its own, either because of private sector entities that you know, have you know all sorts of issues that we can you know discuss in the second and also the fragmentation

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of you know, of states states like California, moving moving forward a lot of other States in a different position.

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So you know all of those things You know we're coming into play as we thought about it.

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So we did. You know we did a lot of work to do a little bit of a reset, to look internally at where it was, and the number of things that we did in that reset were one.

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We aligned it much more with with applicable law which is to say, base everything that we're doing on on Hipaa and other federal law, and deferred a State law in States where you know where there may be more restrictive

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laws, but basically try not try to create a you know a set of rules for data exchange that we're going to be above and beyond where existing law, you know, was today in part, you know, recognizing that doing trying to do that

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nationwide is really difficult. and it's probably a nonstarter.

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Also recognizing that Tefca is purely voluntary.

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There is nothing in the way of either carrots or sticks that would motivate anyone to join Tefka. And so, if you start to impose things are going to be above and beyond what people you know are required to do

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in their day-to-day activities it's going to be really hard to get people to join and to adoptive.

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So that was one of the things that we that we did.

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We also got, you know, tried, You know, as much as we could within the you know, sort of the boundaries of what the Federal Government is allowed to do.

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Given that, you know we have certain responsibilities that we're given to Federal government, and then are part of you know Federal government responsibilities from from the statute, but wanted to be able to give as much operational flexibility to

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our nonprofit partner, the Sequoia project, as we could just, you know my having been in the market for 20 years prior to joining the Federal Government. You know you need a lot of agility.

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I think, as all of you know it's a very very fast-changing environment, There's a lot of heterogeneity out in the market, and there's no way from the Federal Government perspective that you know that we would

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be in a place to do the kinds of you know. sort of operational small p policy, decision-making. that's required to be able to, you know, get things moving and to keep them moving.

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So that was a you know that was another big part of what we did with with the reset of Tefka. and then the last thing we did, and we're now on the other side of it is we set a timeline and

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we accelerated that timeline. So we announced the time when we saw a timeline, because I think one of the big challenges with it was that everyone was sitting around.

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You know, for a while waiting, and then they stopped waiting because they didn't know when it was going to happen, and and you know, just for my experience. you know, being in the market you know. really appreciate a timeline that says this is going to

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be out. and then, once it's out then we can talk about it, because I think one of the challenges also with the Federal Government presence was, it was really hard for having for us to have any kinds of community, or market discussion around things that were behind the

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Federal wall, the and you got into this trap of saying Well, we need to figure more things out.

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Well, I can't figure it out until I talk to the private sector I've talked to States.

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Well, we do can't do that because it's in clearance, and it's a part of rulemaking.

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And so you get into this, you know this endless do loop.

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So that point just said, You know what we are going to set a date, which was, you know, first quarter of 2,022 to to release this, and then that will give us the opportunity to be able to do the kinds of deep,

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engagement and roll up the sleeves work that we need for do you know to bring this, You know really over line in life.

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So that's why we set the date we accelerated the timeline.

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And now it's out on january the eighteenth, I think, as all of you know.

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And so now we can actually have a full discussion which is great.

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So you know, with respect to temp I mean the vision overall, is, you know, as I've been saying, you know, is to is to basically create a uniform floor of interoperability across the country by connecting up networks

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or allowing networks to connect with each other in a way that at least offers transparent rules of the road.

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For how they exchange and and You know transparent mechanisms for interoperability, for connectivity across those networks that doesn't require.

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You know sort of the hard engineering that's you know that that happens today when you have networks to network interoperability, and every one of those you know ends up being more work than anyone anticipated there. you know there's been tremendous work done and you know we're looking at the at the

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numbers for for care quality the other day, for example, and this is a little bit of a side note, but it was totally fascinating to me.

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By now. Everyone knows what the swift network is right, you know, for banking and because of the you know, the crisis in Ukraine. and I saw a fascinating statistic the other day that that was just talking about

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Swift, and of course we're always you know saying health care saying, Well, gee!

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We need to be like the financial system, to have that kind of capability and that kind of volume, and that kind of you know, reliability and scale the swift system, at least according to is a New York Times article.

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The swift system handles 42,000,000 transactions a day care.

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Quality right now does 30,000,000 or no. They do 10,000,000 payload transactions a day, and they do over 50,000,000 total transactions a day.

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If you include a request, you know an XpCD.

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And that Xpd for you know, for patient, and then a request, and then a response.

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You add all of those up, All those transactions actually are more than the swift networks done globally.

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The So we've got a lot of interoperability going on, and we're not, and you know in many ways. You know there's been a tremendous amount of progress in you know in that capability it doesn't

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do all the things we wanted to do. and that's the you know that's a part of the goal for you know, for for Tefco is to say, how can the Federal Government presence here be an enabler of helping to you

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know, raise that to do things that were difficult for the market to achieve on its own.

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So what are you know? What are some of those things as I said one of those things is, you know, to sort of iron out a little bit of the rules of the road, so that we're not having to have individual negotiations you know

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between networks. we basically are able to have the Federal government, you know, sort of just set the line and say, you know what this is it?

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This is the common agreement. This is the This is the one that we're going with and and to and to also expand the You know the nationwide interoperability infrastructure to support a broader set of use

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cases, I mean from our perspective, and you know, and I was on the Sequoia Project Board before, and the Commonwealth Board.

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Before before joining this. I was very much a part of those conversations, you know, getting to where we are with the 50,000,000 transactions a day, and you know all of that stuff was you know, was great and in some ways, was I mean i'm

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you know it Wasn't easy but it was sort of a low-hanging fruit to the extent that it was what all the competitors like Hr vendors and others who are.

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You know, who build those networks it's what they could agree to which has provided a provider exchange for treatment purposes.

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Everyone's willing to say all right we'll do that but then you start to get into things that you're either start to, you know, start to potentially cannibalize other business lines that they have like payer transactions or

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start, get into things that have, you know, sort of competitive aspects to them in other dimensions, like, you know, like, you know, contracting or negotiation concerns about opening up data to payers for example, or the other way so

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that prevented the nationwide networks from moving forward, and still prevents them from moving forward.

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The other areas are like public health, which is just complex from a regulatory perspective.

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And so, while those are, you know, use cases that are all a part of the permitted purposes.

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Again the nationwide networks have a hard time moving forward because the investment that will be required and figuring all that stuff out, and it's really hard, you know, to do it from the bottom up when you you know when you have so much

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fragmentation. You need a little bit of the Federal Government presence, particularly with the Cdc.

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To try to help drive greater consistency. you know across that so Let's just some examples of the kinds of use cases that we want to be able to expand to, and that's really hard for the private sector is doing its own

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and so that's what we want you know Tfc. of being enabled, or to say, let's pick that up where it is, and you know, and help to bring it forward in a way that would be difficult for it to you know

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for to happen on its own. The other thing i'll mention about Tfca, you know, which is really important, and I should have mentioned earlier when I talked about the you know, sort of the reset and the you know, the new and

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approved. Africa is the fire roadmap that we added.

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You know the the previous version of tfca as you may know, for those who who those who followed it didn't was actually silent, completely silent on fire.

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And you know, and that struck me as being a really bad idea to be completely silent at fire.

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So we built in the fire roadmap and to specifically you know. have 2 patterns in mind, although you know in network worlds and worlds of bits and bites.

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It's hard to say it's you know something is this or that right?

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I mean it's all you know sort of blurred together.

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But but we have this idea of you know of what we call facilitated exchange and broker exchange, using fire, as the you know, as the standard and the idea of you know, broker exchange would basically be to say, Well, you've got

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Q. hints that are using the ie. standards.

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You know the standards that are in place in care quality, a number of you know, on statement networks as well, and and that served us well.

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But, you know, is really not, you know, the you know the kind of model that necessarily is required for you know fire api's, which can, you know, have also of other different types of patterns.

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So we had, you know, sort of the model of saying, well, we we ultimately could have broker exchange, meaning that the 2 hints themselves would use fire.

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You know, to to exchange information between themselves, and that would offer, you know, some additional benefit that you could do data level queries instead of just document, which is, you know, kind of what ihe supports today.

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But but that was it. and then we you know thought more about it, in fact. Well, we should have an intermediate kind of approach as well, which is what we're calling facilitated fire, which is basically the ability to

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have fire. api's that live in the wild so some you know an organization that's using a smart on fire Api on its own that just wants to connect point to point with another firing with another holder of a fire

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Api, but would benefit from being able to use network infrastructure to make that more scalable.

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So the ability to have an endpoint directory So I could actually find.

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Where are these other fire api's because that's a challenge right now?

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Record location service. So I could figure out, where are the 5 places particularly, you know, for a patient, for example, being able to figure out where the 6 or 7 places are 5 places, The way records are.

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So I can actually do those Api queries, and perhaps with security, to be able to extend the security model.

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The network security model to make that more scalable as well.

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The key differentiator would be that the transaction itself would still go.

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You know, Api to Api. but you hope you're using the network infrastructure to help scale

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You know the the the the adoption and the in the growth of higher Api's that you know to kind of live in the wild, as it were. otherwise.

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I think that you know we could have significant barriers to the growth of, you know.

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Smart on fire. Api exchange, just because of you know, the lack of this kind of scalable infrastructure and the oh, and see fast program and other programs work kind of identifying as well as being challenges so those

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are all, you know, by way of background. Let me just say one thing now about you know the launching of Tefca, and what's you know?

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Sort of an immediate road ahead, and you know with respect back to the use cases, and you know, in our expectations. so we're hoping, you know we've got the you know Tfca released.

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And you know, got a number of potential Q hens that are I think looking at that now, and you know, and starting to think about you know what you know whether they're gonna move forward.

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There is a, you know, a formal process that the supply project has, for, you know, determining eligibility, and, you know, taking applications, and all of that.

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We have No, you know, sort of preconditions on.

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It needs to be this many q hens, or that you know there are some secret rules that we have that are different than the rules then, that are, you know, laid out, as you know, sort of the eligibility requirements.

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You know for that. So you know. so we don't you know there's nothing like that the the with respect to the use cases themselves.

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Yes, we have an expectation of Q hens, hopefully, for the end of the calendar year actually being on boarded. and perhaps A. you know.

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Okay, being live again. We'll see you know we'll see how that works.

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That really depends on how the market responds but so far we've gotten, you know, very good market response.

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But but then the next, it begs the next question of which use cases come on.

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And when, because you know one question I get often is well you know, you say that there are these exchange purposes, but the only 2 they're required are treatment and individual access.

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And what about these other ones like? Are they required or not required and what are they required?

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Well you know basically what we've done is we've said that of those, you know would be exchanged purposes that are required, and we would expect that they become required at the point that we have an Sop a standard

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operating procedure that includes an implementation guide that specifies how those you know how those happen.

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And so we're you know watching what the support project work groups that'll that'll work on that as well because even individual access if you think about it right now, we don't have the parameters to just open that up

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and say, you know all right. it's you know It's not required, because we know that that's been a big barrier in the market, because of all the issues related to on De verification and asymmetries in the way

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Hipaa treats, you know, potential breaches, things like that.

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Those are the barriers in. the market. if we didn't do more to set some policies around that that like you know, like what our expectations around patient matching for example.

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Then, if we didn't do more then we would end up in the same situation, we are today where people just wouldn't respond, and they would have a you know, a good reason for not responding, because there's real risk for them as as provide organizations

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for example, or any any hipaa covered in me.

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So the idea is that we you know work on the sops, in parallel with the market, and once those are available, then those become required exchange purposes in in the tough commercial and you know so we've got a

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fire group that has been launched with, you know, with the with care, quality, jointly with care, quality, and the payment not operations work.

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Group that care quality is just launched as well as another.

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One, and then we'll have one on individual access as well so and then the other ones.

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You know we'll come on but those you know that's kind of the way we're handling it the last one I'll just point to, and then i'm going to stop talking is is public health which is also another

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really important one. we're working internally with the Cdc. to start that off, just to be able to work with a Cdc.

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To say, How would we think about you know these kinds of use cases from a public health perspective and engaging the stilts? and then we'll you know, Then we'll talk about all right.

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How do we open that up as a broader conversation, just to, you know. Sort of get the Federal alignment first, and then be able to You know.

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Bring that out to market for you know that collaborative input and I'm public private way, you know that also just reflects that you can only launch so many of these things at once. and we know the Cdc is that you know with public

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health. There's gonna be a lot of issues to figure out you know, Hipaa.

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Minimum necessary state, you know. state differentiation So it's just recognizing that. Let's get that one started.

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Let's get these you know these more externally facing ones that have, you know, near term requirements that need the external input right away.

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Let's go with those. Get those launch and get those started so we can get them on them so hopefully.

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That gives you, you know, somewhat of a framework. but

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You know very much looking forward to your questions, comments, feedback, and in the discussion.

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So thank you right, hey, Mickey, this is jonah it's awesome to see you, and thank you thank you for joining us.

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I'm gonna just first see if anyone on the group has any questions for Mickey.

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I have a couple, but I want to give lots of opportunity for others to weigh in here.

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Andrew, you go ahead. Thanks very much, Mickey. that was terrific and really appreciate the perspective of what you're doing at Oc.

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You know what what our committee is charged with in part is well, in large part, is to try to figure out the role of a state in how we engage and align with the efforts that you're doing and i'm wondering you

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know You're probably been in this role interacting with other states. You've come from a state that has done some of this kind of work.

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I'm wondering if you have any general guidance around where you think the added value is of how States align with the direction that you're trying to provide at the Federal Government through deafca, and so forth.

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Just from how you see it from your perspective. yeah, I you know.

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So I think there are. I think there are a number of ways.

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So you know, states are really different. I Think that's the first thing is that you know, in some states they're just isn't a whole lot of you know, State level consensus around some of these things and So you know for those

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States, I, you know, sort of feel like you you know maybe the advice is, don't do anything that's not California. And, by the way, but you know but just to just to just sort of lay the landscape here there you know there yeah, we just

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need to recognize there's a lot of heterogeneity. out there for states that actually are proactive and can develop a you know, a degree of consensus around this stuff. It feels like there's you know, there's a number of

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things you know one is is is, you know, kind of aligning the you know, Whatever it is you do from a policy perspective.

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At least, you know, within the within the overall tough code, you know framework.

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I think things that become more restrictive locally could cause confusion and make it difficult for any individual provider organization to then figure out, Well, how am I going to live in these 2 worlds?

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And you know and it's very hard for you know for anyone who's, you know, like working with an ehr vendor, for example, that has a national market who's responding to national requirements and then all of a sudden

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they've got you know sort of local requirements now I know there's you know, California emissions which have driven the country and all of that that probably won't work in interoperability.

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I'm gonna Guess so, you know so I think that's it? Yeah, that's one thing that I think is you know, is is certainly a feature.

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Now, you know, Tough got very explicitly, as I said, does defer to state the ent applicable up to State law, and so to the extent that there are things that are, you know, different requirements.

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For example, specific consent, for, you know, release of information away to sense of conditions, or you know things like that, you know.

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I think our expectation, at least my experience is that well provide.

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Organizations have already had to deal with those things and so you know they're dealing with those things today, and they will continue to deal with those things.

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But imposing additional network requirements that would live between that provide organization and the national.

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That's where that's where it feels like you know you could just be really complicated, and you know how to be a recipe for stagnation.

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You know again. I certainly want to give this a perspective of saying, don't do that.

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But my strong advice would be that, you know, just to be very cautious with that, because I could create a lot of friction and a lot of confusion to make it really hard to get out of the game.

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Thank you. But yeah, so many potential questions. But mickey when I guess a two-related questions are so the the law that we're discussing puts obligations on covered entities essentially mostly to exchange data But I think there are big

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opportunities, as you've reflected in tfca to leverage networks.

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So I guess one question would be, What recommendations would you give us about integrating networks into that?

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Into that framework. So that's one and second would be how would you want us to think about leveraging Tefca, if at all, in this work?

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Is that like? Come back in 2 years? Is that like you know, Waters, water is warm.

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Come on in, especially considering that Ab. 133 applies to both payers and to providers.

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So just to kind of pretty large questions, but would love to hear a thought.

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Sure. Yeah, on the first one. I guess you know to the extent that I think this is where it starts to get complex.

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But to the extent that you know that the law says something about people having been connected to a network in some way.

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I guess you know part of the question would be what you know.

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What does connected mean? So for example, like we've experienced with other states.

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For example, where there is a State requirement that says that you know every entity within the State has to be connected to the State.

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Hiv. and we have had organizations that have come to us and said, Well, you know, i'm a national organization. i'm actually connected to the E Health Exchange, which does connect me to that state State Hiv.

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I'm just not a member directly of that state hie but I can exchange any documents, and i'm happy to you know we've opened up the gates and we're exchanging with those you know with

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those State hivs but you know but but you've got the state Hiv saying, Nope, you absolutely have to be directly connected to my thing and pay my fees and all that not i'm not suggesting that's their primary

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motivation. i'm just saying that's where it starts to get, you know, really confusing.

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I guess my bias, and let's. say my bias was this before I joined the Federal Government.

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So it's not just because the Federal government is to not is to you know, shy away from stuff like that which is to say, you know, if you could have let's say there are a set of networks, in California and they're connected

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with each other, and maybe even they're using tfca to connect with each other right?

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They could just be able to say you know what there's already nest nationwide puma plumbing There, I can connect these networks using tefka.

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I don't have to build my own separate state level plumbing and allowing that to count where at the end of the day.

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What you want. What you want is that all those entities can just exchange with each other?

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How the bits and bytes flow whether that's near this network up to Tefco back through you know, I I would, suggests being agnostic to that. You know where the goal at the end of the day is that they

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just be connected. and have the ability to exchange information so I guess that's you know. I don't know if that fully answers your first question.

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Why do you? But and then the second one Oh, sorry. Yeah.

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Go ahead mixed it. Mickey can I just to give you the context, The State law that we're referring to Ab 133 is actually silent on networks.

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In fact, it's specifically says we're not going to advance the concept of a statewide network that some other States have, so that the the underlying premise is and Claudia sort of alluded to

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this we're based basically it's it's it applies to hypocrite entities, hospitals and providers, and and like labs and help plans.

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And it's, and it specifies that they are mandated to share information and find a data sharing agreement.

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And it's in it that gives a little bit of treatment of okay, what information they have to share it's It's going to be specified in the day, sharing agreement in the framework and is expecting to at a minimum be

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usdi version 2 type information, so if that helps at all it's like pretty much silent on networks.

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It's really about entities just required to your data right That seemed Then that seems like a great approach, because that not just suggests that it could be done in whatever way is going to make sense to the market.

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Including some of them just leveraging tough cut, for example.

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Oh, I know what the other one was. Topco was about.

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Claudio was about. the timing was about, you know.

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Should you wait 2 years or I you know obviously I can't say yeah, definitely, just sit and wait.

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But you know. but as I said, there's you know there's a bunch of work to do like on the you know, like I'm payment and operations, for example, how do we develop that use case Now I know that you know that that

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manifest as well as you know, other organizations in California, you know, always been leaders, and you know, sort of thinking about how you have.

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You know, sort of value at the end of the day, and thinking about value, and thinking about claims and clinical and all of that stuff, you know, being together and thinking about payment operations in a very forward leaning way so we would

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definitely welcome your participation and guidance in those in those work roofs top of shape, the use case. And then I would you know I would take a really good hard look at the documents that are out there if you

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haven't already like the common agreement and the sops are going to be coming up from, you know from Sequoia to you know.

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Sort of see. where might you play in the qin world?

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And I know you know I know a number of you are involved with, you know some of the you know other.

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Hes around the country, and you know some of those organizations. So there's obviously, you know, stuff to figure out about how the market settles on.

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You know. Where does it make sense? What are the you know? Right, you know.

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Sort of cue hens that might, you know, that might step forward.

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And you know what's the best way for that to work but you know.

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But, as I said, where you know we're kind of indifferent, aside from whatever is in the eligibility criteria for any organization that meets those eligibility, criteria to come forward and you know and be a

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human. so I definitely wouldn't you know make any assumptions until you've kind of looked through all of that, and I forget where we are, and the I think there's an onboarding sop that the display of projects is developing that you know we'll probably

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have a little bit more detail, and that should be released shortly that'll provide a little bit more.

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But you know, but I definitely wouldn't ignore it for 2 years.

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So I guess that's you know we'd love your smee engagement, and then would also love your consideration of you know of you know what does being a Q.

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Hand. And what does a human landscape mean for you?

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And you know i'm thinking really hard about that the last thing that I was going to mention, and I forgot.

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Oh, is is You mentioned that you know sort of the data sharing agreement, and you may have already done this.

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But you know i've just just to make sure I don't walk away and regret not having said it is, you know, looking at the alignment of that with the common agreement, and at least helping be up to the extent that there are that

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there's variation there, you know, and you know my experience contracting, and I think all of you know this because you've been doing this.

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Contracting is so hard, and that always takes 10 times longer than anyone expects.

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And the technology is never the issue. it's just contracting and legal stuff.

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And you know, and just helping people to the extent that there are differences, you know.

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Obviously my bias is aligned as much with the common agreement as you possibly can, and to the extent that there are differences really be crystal clear on.

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Why are there differences, and then helping all the users understand?

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Where are those differences, so that any organization will then be able to?

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You know as quickly as possible, be able to understand what does it mean for me to, you know, be participating in both of these things.

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That's really good advice, Mickey. thank you David, ford you're up all right, thank you.

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And thank you for joining us today, Director Tripathi.

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And so I went to California Medical association and as we're trying to bring small practices into this world of data exchange.

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We continue to get a we continue to run into a lot of roadblocks with the Ehr vendors themselves.

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They continue to be a headache, and I just was one.

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Wonder if you could speak to any future plans of the O. and C.

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Either through the certification program or otherwise to try to break down those for a box to make sure the providers who invested a lot of time and effort into adopting ehr's actually get the benefit of them through data

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exchange. Yeah, I'm sure and is it just to get a little bit more.

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Understanding is the is the issue of not being connected to networks at all?

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Or is it? you know deeper issues than that it's yeah and and and I would certainly welcome caught here anyone from the Hiv world, because I know we've talked a lot about this as well to weigh. in but it's you know

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in small practices. they don't tend to be in the large robust Ehr systems the Athenas and the epics that are on the big national networks, and they're on these smaller systems, and you know which means custom

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interfaces, which can be hugely expensive There can be you know legal and regulatory issues that they run into It's just It's a you know.

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It's all of that world that that's really causing the problem, and really makes it difficult for small practices to be part of a part of everything we're talking about here.

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Yep: Yeah, no, no. So I understand so you know a couple of things. I mean.

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One is, you know we're hoping that as a market phenomenon.

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You know that that once that the tfc can establish a certain degree of stability and assurance for people that all right. This is the way that nationwide interoperability is going to work.

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Now, because I think that's been a little bit of you know why some of the smaller vendors have been a little bit hesitant to participate in some of the nationwide networks right I mean There's

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there's an investment, but all the make investments it isn't as if they can't make investments.

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But they're just kind of like, is this really going to be the thing, and you know, and if it's not, or is it just, you know for epic concern, and you know and those big players, and maybe i'm gonna wait and see

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what happens. So we're hoping that this will at least take some of that uncertainty you know out of the equation for them to just sort of realize this is going to be the model it's worth making that investment.

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And and and then we're hoping that things like the information blocking rule.



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You know we'll provide a little bit more you know sort of leverage for providers to be able to tell vendors. Do you need to be making this information available?

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You know, in ways that are more consistent with the information blocking rule, and we've got you know different things like fire Api requirements and other kinds of things that you know that make it easier for them to be able to do

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that the the and we're also working with you know with with Cms on.

02:58:20.000 --> 02:58:28.000

You know. I'm trying to figure out you know how can we get more levers pointing toward you.

02:58:28.000 --> 02:58:39.000

Know sort of participation in tefka and you know alignment with, you know, with with information blocking that will, you know, provide a little bit more, you know, sort of market momentum for it, as you can tell i'm being

02:58:39.000 --> 02:58:49.000

very careful with my words, I can't get much more but you know those are all those are all ongoing discussions, and the last thing I will say, you know we're I mean we directly are too, talking with the ehr

02:58:49.000 --> 02:59:01.000

members you know, and and it's used mostly through the ehra! but we're happy to talk to smaller vendors as well. so you know, maybe one takeaway like if you have a sense of you know a list, of

02:59:01.000 --> 02:59:03.000

small vendor. This isn't the isn't you know telling on them, or anything.

02:59:03.000 --> 02:59:07.000

But there's a list of small vendors that that we can reach out to.

02:59:07.000 --> 02:59:10.000

You know we're happy to bring them in and just talk to them about hey?

02:59:10.000 --> 02:59:13.000

Where are you and that's just a part of what I see as coordination?

02:59:13.000 --> 02:59:17.000

We're happy to talk to them and try to motivate them a little bit fantastic.

02:59:17.000 --> 02:59:28.000

Thank you, Mickey Bruno. Really, thank you, and appreciate your time very much.

02:59:28.000 --> 02:59:36.000

Always always insightful and informative, and very wise words about our alignment with with Tepka in the common agreement, John, if you could please.

02:59:36.000 --> 02:59:49.000

I just want to extend my thanks, Mickey as well, and to the entire group that stayed on for the half hour look forward to continuing and seeing you guys in about a month.

02:59:49.000 --> 02:59:53.000

So thanks everyone, for your your time, and as you look at the weekend.

02:59:53.000 --> 03:00:08.000

Keep it safe and we'll see You Soon a great day. Thank you.

