

# California Health & Human Services Agency

## Data Exchange Framework Data Sharing Agreement Subcommittee

### Meeting #5

Tuesday, March 22, 2022  
12:00 p.m. to 2:30 pm

# Meeting Participation Options

## *Written Comments*

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

# Meeting Participation Options

## *Spoken Comments*

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

### If you logged on via phone-only

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

Listen for your phone number to be called by moderator

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

### If you logged on via Zoom interface

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

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

# Public Comment Opportunities

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

# Agenda

12:00 PM	<b>Welcome and Roll Call</b> <ul style="list-style-type: none"><li>• <i>John Ohanian, Chief Data Officer, CalHHS</i></li></ul>
12:05 PM	<b>Meeting Objectives</b> <ul style="list-style-type: none"><li>• <i>John Ohanian</i></li></ul>
12:10 PM	<b>Open Meeting Act Requirements</b> <ul style="list-style-type: none"><li>• <i>John Ohanian</i></li></ul>
12:20 PM	<b>Data Exchange Framework (DxF) Governance</b> <ul style="list-style-type: none"><li>• <i>Dr. Rim Cothren, Independent HIE Consultant to CDII</i></li></ul>
12:30 PM	<b>Data Sharing Agreement (DSA) and Policies &amp; Procedures Update</b> <ul style="list-style-type: none"><li>• <i>Dr. Rim Cothren</i></li></ul>
12:50 PM	<b>Digital Identity Strategy Update</b> <ul style="list-style-type: none"><li>• <i>Dr. Rim Cothren</i></li></ul>
1:10 PM	<b><u>Public Comment</u></b>
1:25 PM	<b>DxF DSA Content: Third Set of Topics</b> <ul style="list-style-type: none"><li>• <i>Dr. Rim Cothren</i></li></ul>
2:25 PM	<b>Next Steps and Closing Remarks</b> <ul style="list-style-type: none"><li>• <i>John Ohanian</i></li></ul>

# Welcome and Roll Call

# Data Sharing Agreement (DSA) Subcommittee

## Members (1 of 2)

Name	Title	Organization
<b>John Ohanian (Chair)</b>	Chief Data Officer	CalHHS
<b>Ashish Atreja</b>	CIO and Chief Digital Health Officer	UC Davis Health
<b>William (Bill) Barcellona</b>	Executive Vice President for Government Affairs	America's Physician Groups (APG)
<b>Jenn Behrens</b>	Chief Information Security Officer	LANES
<b>Michelle (Shelley) Brown</b>	Attorney	Private Practice
<b>Louis Cretaro</b>	Lead County Consultant	County Welfare Directors Association of California
<b>Elaine Ekpo</b>	Attorney	CA Dept. of State Hospitals
<b>Diana Kaempfer-Tong</b>	Attorney	CA Dept. of Public Health
<b>Elizabeth Killingsworth</b>	General Counsel & Chief Privacy Officer	Manifest Medex
<b>Helen Kim</b>	Senior Counsel	Kaiser Permanente
<b>Carrie Kurtural</b>	Attorney & Privacy Officer	CA Dept. of Developmental Services
<b>Steven Lane</b>	Clinical Informatics Director   Family Physician	Sutter Health   Palo Alto Medical Foundation

# Data Sharing Agreement (DSA) Subcommittee

## Members (2 of 2)

Name	Title	Organization
<b>Lisa Matsubara</b>	General Counsel & VP of Policy	Planned Parenthood Affiliates of California
<b>Deven McGraw</b>	Lead, Data Stewardship and Data Sharing, Ciitizen Platform	Invitae
<b>Eric Raffin</b>	Chief Information Officer	San Francisco Department of Health
<b>Morgan Staines</b>	Privacy Officer & Asst. Chief Counsel	CA Dept. of Health Care Services
<b>Ryan Stewart</b>	System VP, Data Interoperability and Compliance	CommonSpirit Health
<b>Lee Tien</b>	Legislative Director and Adams Chair for Internet Rights	Electronic Frontier Foundation
<b>Belinda Waltman</b>	Acting Director, Whole Person Care LA	Los Angeles County Department of Health Services
<b>Terry Wilcox</b>	Director of Health Information Technology/Privacy & Security Officer	Health Center Partners
<b>Sanjay Jain</b>	Sr. Business Analyst	Health Net
<b>Patrick Kurlej</b>	Director, Electronic Medical Records & Health Information Exchange	Health Net



# Meeting Objectives

# Vision for Data Exchange in California

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

# Meeting Objectives



- 1 Discuss the emerging Data Exchange Framework (DxF) **governance approach**
- 2 Discuss processes for the **drafting and review of the DxF data sharing agreement (DSA) and policies and procedures (P&Ps)**
- 3 Discuss the DxF **digital identity strategy** and implications for the DxF DSA and P&Ps
- 4 Discuss and provide feedback on **draft DxF DSA content**

# Open Meeting Act Requirements

# Update: Return to In-Person Meetings

Beginning April 1, 2022, public meetings supporting DxF development will transition to be primarily in-person

- Due to the expiration of a COVID-19 related executive order, all meetings supporting DxF development, including the sixth and final meeting of the DSA Subcommittee on April 26<sup>th</sup>, **will be transitioning to a primarily in-person meeting format.**
- Meetings will be held at the Allenby Building in Sacramento. The address is 1215 O Street, Sacramento, CA 95814 in the Sacramento conference room on the 11th floor. Additional meeting details will be communicated to members and posted to the [CalHHS website](#).
- A quorum of over half the DSA Subcommittee members will be required to attend the DSA Subcommittee meeting in-person in accordance with the Bagley-Keene Open Meeting Act.
- A minority of members will be permitted to attend the meeting via teleconference.
- Members of the public will be able to attend the meeting in-person or via teleconference.

# Data Exchange Framework (DxF) Governance

# Governance and the DSA / P&Ps

The Stakeholder Advisory Group has reviewed a set of proposed DxF governance functions. Several governance functions have implications for the DSA and P&Ps.

## Proposed DxF Governance Functions\*

1. Harmonization of state law with federal law
2. Development of and modifications to DSA Policies and Procedures (P&Ps)
3. Enactment of data sharing P&Ps and requirements
4. Review of Federal standards and national efforts impacting data exchange
5. Enforcement and monitoring compliance with P&Ps, requirements and guidelines
6. Oversee dispute resolution and grievance processes
7. Program development and financing
8. Identification and qualification of exchange intermediaries
9. Communications and education
10. Ongoing review of the Data Sharing Agreement
11. Coordination with other branches of state and local government

**\*Note:** These are proposed governance functions, and the Advisory Group will continue discussion of governance at its April meeting.

# Data Sharing Agreement (DSA) and Policies & Procedures Update



# DxF DSA and Policies & Procedures Development

By July 1, 2022, AB 133 requires the establishment of a single data sharing agreement and a common set of policies and procedures that govern and require the exchange of health information.

## DxF Data Sharing Agreement (DSA)

A legal agreement that a broad spectrum of health organizations execute by January 31, 2023

### DxF DSA Components

- Streamlined document that focuses on the key legal requirements
- Avoids duplication or conflicts with other data sharing agreements

### Example DxF DSA Content

Parties, purpose, intent, definitions, uses & disclosures, minimum necessary

## DxF Policies and Procedures (P&Ps)

Rules and guidance to support “on the ground” implementation

### DxF P&P Components

- Detailed implementation requirements
- Evolve and be refined over time through a participatory governance process involving stakeholders

### Example DxF P&P Content

Technical standards and specifications, compliance and penalties, dispute resolution

# Approach for P&Ps Development

The DxF Policies and Procedures will be developed and released on a rolling basis.

## Foundational P&Ps

On July 1, 2022, CalHHS will release an initial set of **foundational P&Ps**.

## Additional P&Ps

After July 1, 2022, CalHHS will release **additional P&Ps** to support DxF DSA implementation.

The additional P&Ps will be developed under the DxF governance approach as determined by CalHHS and the Stakeholder Advisory Group.

## P&Ps to be Released by July 1, 2022

### 1. Governance and Accountability

- ❖ Dispute Resolution
- ❖ Change Process for the P&Ps
- ❖ Change Process for the DSA

### 2. Technical Specifications

- ❖ Data Elements to Be Exchanged

### 3. Privacy and Security

- ❖ Breach Notification

### 4. Operations

- ❖ *Requirement to Respond (Tentative)*

# DxF DSA and P&Ps Development Process

Drafting for the DxF DSA and P&Ps will continue through spring 2022.  
Full drafts will be released for public comment in May 2022.

Status	DSA SC Meeting	Activity / Milestone
✓	1	Convene DSA Subcommittee; discuss subcommittee purpose and existing data sharing agreements
✓	2	Discuss key considerations and threshold questions for DxF DSA development
✓	3	Preview draft DxF DSA outline; discuss draft language for first set of topics
✓	4	Discuss draft language for second set of topics
Mar 22	<b>5</b>	Discuss <b>digital identity strategy</b> and draft language for <b>third set of DxF DSA topics</b>
Apr 26	<b>6</b>	Discuss <b>proposed drafts for public comment of DxF DSA and initial set of P&amp;Ps</b>
May 18*	NA	Release <b>full drafts of the DxF, DxF DSA, and initial set of P&amp;Ps</b> for public comment
Jun 1*	NA	Public comments due for the <b>draft DxF, DxF DSA, and initial set of P&amp;Ps</b>
Jul 1	NA	Release of the DxF, DxF DSA, and initial set of P&Ps

\* Tentative dates

# Digital Identity Strategy Update

# Digital Identity Strategy Update

## *Purpose of the Discussion*



The goal for this section of the meeting is to obtain feedback on the following:

- 1 What digital identity-related privacy requirements need to be specified in the DxF DSA or P&Ps to protect personal privacy?
- 2 What security requirements need to be specified in the DxF DSA or P&Ps to secure digital identities?

# Digital Identity Strategy

AB133 requires that, by July 31, 2022, CalHHS in consultation with the Stakeholder Advisory Group, develop:

**“a strategy for unique, secure digital identities capable of supporting master patient indices to be implemented by both private and public organizations in California.”**

# Definition of Unique, Secure Digital Identities

AB 133 requires the development of a strategy for unique, secure digital identities for use in the CalHHS Data Exchange Framework

**Digital identity**: a collection of data that establishes an identity associated with a real person in a specific context

**Unique digital identity**: a digital identity that *uniquely* identifies an individual

**Secure digital identity**: a digital identity that is protected against unauthorized access or modification, or intentional or unintentional loss or corruption

# Emerging Concepts in the Strategy

AB 133 requires the development of a strategy for digital identities capable of supporting master patient indices to be implemented by both private and public organizations

**Focus** – Linking data to the correct individual, not a “golden record”

## **Digital Identities**

- Demographics in USCDI v1 such as name, DOB, gender, address, phone
- Unique identifiers not in USCDI v1 such as Medi-Cal ID, driver’s license or state ID number

## **Standards and Guidelines**

- Value sets in USCDI v1
- National guidelines such as Project US@
- Standards for elements lacking sufficient guidelines, like recording last names comprising multiple words

## **Master Person Index**

- Consider statewide index to coordinate across contexts and ensure organizations can use a shared identity
- Draw on nationwide and statewide models and best practices



# ① Privacy Requirements

## Context

AB-133 has no requirement for privacy of digital identities. However, some stakeholders identified the need to ensure data elements comprising a digital identity be used only to link data to an individual. Some digital identities may contain PHI.

## Discussion

1. Does the DSA need to stipulate the allowed purpose for use or restrict reuse of digital identities?
2. Are there allowable reuses of some data elements in digital identities beyond linking to health and social services information?
  - For example, can demographics be used to assess equity or population health trends? Can phone or email address be used to contact patients for follow-up or outbreak investigation?

## ② Security Requirements

### Context

AB-133 does require digital identities be protected against unauthorized access or modification, or intentional or unintentional loss or corruption. Therefore, every entity that stores a digital identity must protect it.

### Discussion

1. Do security (i.e., protection against access, modification, loss, or corruption) requirements for digital identities differ from those for PHI?
2. Does the DSA or the P&P on Security need to include special treatment for digital identities? Specifically, for PII or certain data elements in digital identities?

# Public Comment Period

# DxF DSA Content: Third Set of Topics

# DxF DSA Content: Third Set of Topics

## *Purpose of the Discussion*



**The goal for this section of the meeting is to obtain feedback on the third set of DxF DSA topics and draft language.**

# Third Set of Topics

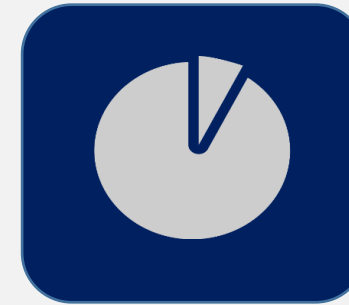
## *DxF DSA Concepts and Draft Language*



1. Qualified Network



2. Uses and Disclosures



3. Minimum Necessary

# Qualified Networks

## Context

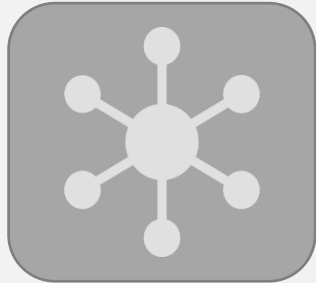
Some signatories may wish to work with an intermediary (e.g., HIO or network) to facilitate data exchange and satisfy the requirements of AB 133 and the DxF DSA. Some data exchange frameworks, such as TEFCA, have pursued an approach in which certain networks meeting specified criteria are considered ‘qualified’ for the purposes of mediating exchange. California’s Department of Health Care Services (DHCS) also used a ‘qualification’ approach for the Cal-HOP program.

## Discussion

- Should the DxF and its DSA include the concept of a ‘qualified network’? If so, should signatories only be permitted to use intermediaries that are considered to be ‘qualified’?
- Should the ‘qualified network’ be required to be a signatory of the DxF DSA?

# Third Set of Topics

## *Concepts and Draft Language*



1. Qualified Network



2. Uses and Disclosures



3. Minimum Necessary



*Transition to draft language  
(Word document)*



# Next Steps and Closing Remarks

# Next Steps

## CalHHS will...

- Summarize meeting and circulate notes for review
- Continue to develop and revise draft DxF DSA and P&P language

## Members will...

- Provide feedback on the draft DSA topics and language discussed today (by Tuesday, Mar 29<sup>th</sup>)
- Review meeting notes and provide feedback to CalHHS staff
- Review and provide input on DSA Subcommittee Meeting #6 materials once received

# DSA Subcommittee Meeting Schedule

Meeting	Date
<b>DSA Subcommittee Meeting #6</b> <i>Sacramento Conference Room (11<sup>th</sup> Floor)</i> <i>Allenby Building</i> <i>1215 O Street, Sacramento, CA 95814</i>	April 26, 2022 @ 12 pm – 2:30 pm

For more information or questions on the Data Sharing Agreement Subcommittee meeting scheduling and logistics, please email Khoua Vang ([khoua.vang@chhs.ca.gov](mailto:khoua.vang@chhs.ca.gov))

## Thank You!