



**California Health & Human Services Agency  
Center for Data Insights and Innovation  
Data Exchange Framework Data Sharing Agreement Policies & Procedures  
Subcommittee  
Meeting Summary  
Thursday, January 26, 2023, 9:00 a.m. to 10:30 a.m.**

### Attendance

**Subcommittee Members in attendance:** Ashish Atreja, Michelle (Shelley) Brown, Jason Buckner, Louis Cretaro, Matthew Eisenberg, Elaine Ekpo, Sarah Hartmann, John Helvey, Sanjay Jain, Diana Kaempfer-Tong, Justin Kaltenbach, Helen Kim, Steven Lane, Lisa Matsubara, Deven McGraw, Eric Raffin, Mark Savage, Tom Schwaninger, Morgan Staines, Lee Tien, Belinda Waltman, Terry Wilcox

**Subcommittee Staff and Presenters in attendance:** Cindy Bero (Manatt Health Strategies), Rim Cothren (Independent HIE Consultant to CDII), Jonah Frohlich (Manatt Health Strategies), Courtney Hansen (CalHHS/CDII), Helen Pfister (Manatt Health Strategies), Olivia Tucker (CalHHS/CDII)

**Public in attendance:** Approximately 57 public attendees joined this meeting via Zoom video conference or through call-in functionality.

### Meeting Notes

Meeting notes elevate points made by presenters, Subcommittee Members, and public commenters during the Data Exchange Framework (DxF) Data Sharing Agreement (DSA) Policies and Procedures (P&Ps) Subcommittee meeting. Notes may be revised to reflect public comment received in advance of the next DSA P&P Subcommittee meeting. Meeting materials, including full video recording, transcription, and public comments may be found on the Center for Data Insights & Innovation (CDII) [Data Exchange Framework website](#).

### **Welcome and Roll Call**

Courtney Hansen, Assistant Chief Counsel, CalHHS CDII, welcomed attendees to the fourth meeting of the DSA P&P Subcommittee. Courtney reviewed the meeting agenda and introduced Subcommittee Members via roll call.

### **Vision and Meeting Objectives**

Courtney Hansen reviewed the vision for data exchange in California as well as the meeting objectives.

Courtney reminded attendees of the deadline for mandatory signatories to sign the DSA on January 31, 2023, and directed prospective signatories to the [DSA Signing Portal](#) and the [CalHHS DxF website](#) for more information.

## Policies and Procedures Development: Status and Next Steps

Courtney Hansen provided an overview of draft P&Ps in development.

Draft P&Ps recently released for public comment comprised:

- California Information Blocking Prohibitions
- Technical Requirements for Exchange
- Early Exchange
- Real-Time Data Exchange
- Privacy Standards and Security Safeguards (amended version of a previously finalized P&P)

Draft P&Ps in development comprised:

- Qualified Health Information Organization (QHIO) Program
- Monitoring and Auditing

P&Ps noted for potential future development comprised:

- Dispute Resolution
- Voluntary Signatories
- Data Quality
- Participant Registry

Comments from Subcommittee Members included:

- Recommendations to develop P&Ps addressing the following topics:
  - Accountability and enforcement
  - Consent management
- Support for development of P&Ps addressing the following topics:
  - Dispute resolution
  - Data quality
- Recommendations that the Dispute Resolution P&P include policies to encourage informal collaboration and resolution of disagreements prior to their elevation to a formal dispute resolution and governance process.
  - Recommendation to leverage existing [Carequality framework for dispute resolution](#).
  - Recommendation that there be a process for all DxP participants to learn from resolution of disagreements, including those that do not get escalated to the formal dispute resolution process.
- Recommendation that the DxP Participant Registry and its corresponding P&P allows the reporting of multiple networks/mechanisms that each participant uses to exchange data.
- Acknowledgement of the challenge of setting data quality expectations under the DxP given few existing standards
- Acknowledgement of the need to align participant data quality expectations with the DxP's approach for monitoring and auditing.

## Overview of P&Ps Released for Comment

Courtney Hansen noted that CDII is soliciting public comments on drafts of four new P&Ps and one amended P&P through February 14, 2023. Presenters reviewed each P&P, highlighting revisions that have been made since the P&Ps were last discussed with the DSA P&P Subcommittee in December.

### *California Information Blocking Prohibitions*

Courtney Hansen provided an overview of the P&P and reviewed recent updates.

### *Technical Requirements for Exchange*

Rim Cothren, Independent HIE Consultant, CDII, provided an overview of the P&P and reviewed recent updates.

Comments from Subcommittee Members included:

- Diverging opinions on the proposed requirement that hospitals send all admission, discharge, and transfer (ADT) notifications to at least one QHIO
  - Those in support of the requirement noted that such a requirement may:
    - Help to ensure that any DxF participant who would like to receive relevant notifications can do so
    - Allow QHIOs to serve as a ‘digital safety net’ to support connectivity across the state
  - Those opposed to the requirement noted that such a requirement may:
    - Operationally and financially burden hospitals and is a significant expansion of hospitals’ existing responsibilities to send ADT notifications
    - Inappropriately center the role of the QHIO in mediating data exchange in California
    - Be inconsistent with the ‘technologically agnostic’ language noted in the DxF’s authorizing statute
- Importance of establishing best practices for use of the broadcast query exchange pattern to minimize overuse and burden on participants responding to such queries.
- Recommendation to clarify in public documentation whether QHIOs will be required to sign the DxF DSA.

### *Privacy Standards and Security Safeguards (amended)*

Helen Pfister, Partner, Manatt Health Strategies, provided an overview of the amended P&P.

Comments from Subcommittee Members included:

- Recommendation for a more explicit definition of the term “securely destroy”.

### *Real-Time Data Exchange*

Cindy Bero, Senior Advisor, Manatt Health Strategies, provided an overview of the P&P and reviewed recent updates.

Comments from Subcommittee Members included:

- Diverging opinions on whether ‘real-time’ should be defined using conceptual language like ‘without delay’ or using explicit time ranges (e.g., seconds or minutes)

### *Early Exchange*

Helen Pfister provided an overview of the P&P and reviewed recent updates.

Courtney Hansen reminded attendees that public comment would be accepted through February 14, 2023, and directed prospective commenters to the [CalHHS DxF website](#) for more information.

### **Draft Language for P&P in Development**

Helen Pfister reviewed draft language for the QHIO Program P&P. Helen Pfister noted that the P&P supports establishment of the QHIO Program and that additional detail on the Program will be described in forthcoming guidance. Courtney Hansen noted that a QHIO Townhall will be scheduled for February 2023 to solicit additional stakeholder feedback on the QHIO Program.

Comments from Subcommittee Members included:

- Recognition that various aspects of the QHIO Program (e.g., QHIO designation and expectations) are still under development.
- Recommendation that the QHIO Program P&P be finalized at the same time as, or following, finalization of other QHIO Program guidance.
- Recommendation to clarify whether technology vendors can be QHIOs
- Recommendation that CDII consider an approach in which HIOs with various levels of readiness can apply to be a QHIO, as long as they are transparent to the market about what specific capabilities and DxF requirements they can support.

### **Public Comment**

Courtney Hansen opened the meeting to public comment, which included<sup>1</sup>:

- Lucy Johns requested that CDII publicly share responses to public comments received on the draft P&Ps

### **Next Steps and Closing Remarks**

Courtney Hansen reviewed next steps and thanked Members for their engagement. She noted the following upcoming meetings:

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<sup>1</sup> Name spelling approximated based on verbal statements.

- Joint IAC and DSA P&P Subcommittee Meeting #5 March 21, 2023, 12:00 PM to 2:30 PM
- Joint IAC and DSA P&P Subcommittee Meeting #6 April 24, 2023, 10:30 AM to 1:00 PM (*previously April 18, 2023*)

## Appendix 1. Data Exchange Framework Data Sharing Agreement and Policies & Procedures Subcommittee - Meeting Attendance (Jan 26, 2023)

Last Name	First Name	Title	Organization	Present
Atreja	Ashish	CIO and Chief Digital Health Officer	UC Davis Health	Yes
Barcellona	William	Executive Vice President for Government Affairs	America's Physician Groups	No
Brown	Michelle (Shelley)	Attorney	Private Practice	Yes
Buckner	Jason	Chief Information Officer & Chief Technology Officer	Manifest Medex	Yes
Cretaro	Louis	Lead County Consultant	County Welfare Directors Association of California	Yes
Eisenberg	Matthew	Medical Informatics Director for Analytics and Innovation	Stanford Health	Yes
Ekpo	Elaine	Attorney	California Department of State Hospitals	Yes
Hartmann	Sarah	Assistant Chief Counsel	California Correctional Health Care Services	Yes
Helvey	John	Executive Director	SacValley MedShare	Yes
Jain	Sanjay	Manager, Data Analytics	Health Net	Yes
Johnson	Bryan	Chief Information Security Officer	California Department of Developmental Services	No
Kaempfer-Tong	Diana	Attorney	California Department of Public Health	Yes
Kaltenbach	Justin	Interim Chief Technology Officer	Los Angeles Network for Enhanced Services	Yes
Kim	Helen	Senior Counsel	Kaiser Permanente	Yes
Lane	Steven	Clinical Informatics Director   Family Physician	Sutter Health   Palo Alto Medical Foundation	Yes
Matsubara	Lisa	General Counsel & VP of Policy	Planned Parenthood Affiliates of California	Yes
McGraw	Deven	Lead, Data Stewardship and Data Sharing, Citizen Platform	Invitae	Yes
Nordhoff	Jackie	Director of Regulatory Affairs	PointClickCare	No
Raffin	Eric	Chief Information Officer	San Francisco Department of Public Health	Yes
Savage	Mark	Managing Director, Digital Health Strategy and Policy	Savage & Savage LLC	Yes
Schwaninger	Tom	Senior Executive Advisor, Digital Ecosystem Interoperability	Los Angeles Care	Yes
Staines	Morgan	Privacy Officer & Asst. Chief Counsel	California Department of Health Care Services	Yes
Steffen	Elizabeth	Chief Information Officer	Plumas District Hospital	No
Tien	Lee	Legislative Director and Adams Chair for Internet Rights	Electronic Frontier Foundation	Yes
Waltman	Belinda	Acting Director, Whole Person Care LA	Los Angeles County Department of Health Services	Yes
Wilcox	Terry	Director of Health Information Technology/Privacy & Security Officer	Health Center Partners	Yes