



Data Exchange Framework

Data Sharing Agreement (DSA) Policies & Procedures (P&P) Subcommittee Meeting #8

Tuesday, June 27, 2023

10:00 a.m. – 12:30 p.m.



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 CDII staff.
- Participants may also submit comments and questions – as well as requests to receive Data Exchange Framework updates – to CDII@chhs.ca.gov.
- Questions that require follow up should be sent to CDII@chhs.ca.gov

Meeting Participation Options

Spoken Comments

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

Logged into Zoom

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

Phone Only

If you logged on via [phone-only](#)

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

Listen for your [phone number](#) to be called by moderator

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

Public Comment Opportunities

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

Agenda



10:00 AM
Welcome and Roll Call

10:05 AM Informational Item:
Vision & Meeting Objectives

10:10 AM Discussion Item:
Policies & Procedures
Development

11:45 AM Informational Item:
DSA P&P Glossary and Key Terms

12:15 PM
Public Comment

12:25 PM Informational Item:
Closing Remarks and Next Steps

Welcome and Roll Call



DSA P&P Subcommittee Members (1 of 2)

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

DSA P&P Subcommittee Members (2 of 2)

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

Speaker Introductions (1/2)



DeeAnne McCallin

Deputy Director, CDII



Courtney Hansen

Assistant Chief
Counsel, CDII

Speaker Introductions (2/2)



Helen Pfister

Partner

Manatt Health
Strategies



Cindy Bero

Senior Advisor

Manatt Health
Strategies

Vision & Meeting Objectives



The Vision for Data Exchange in California

Once implemented across California, the Data Exchange Framework (DxF) will create new connections and efficiencies between health and social services providers, improving whole-person care.

The DxF is California's first-ever statewide Data Sharing Agreement (DSA) that requires the secure and appropriate exchange of health and human services information to enable providers to work together and improve an individual's health and wellbeing.



Meeting Objectives

- 1 Inform Subcommittee Members of P&Ps that will be finalized and published**
- 2 Discuss and solicit input on P&Ps in development**
- 3 Discuss the P&P Glossary and review updated terms**

Policies and Procedures Development



P&P Status Summary

CDII continues to develop and solicit feedback on draft P&Ps.

| P&P Topic | Status | To Be Covered Today |
|-------------------------------------------------------|-------------------|---------------------|
| Technical Requirements for Exchange | Finalized | |
| California Information Blocking Prohibitions | Finalized | |
| Early Exchange | Finalized | |
| QHIO Program | Finalized | ✓ |
| Process for Amending the DSA (Amendment) | Finalized | ✓ |
| Development of and Modifications to P&Ps (Amendment) | Finalized | ✓ |
| Real-Time Data Exchange | Under Development | ★ |
| Privacy Standards and Security Safeguards (Amendment) | Under Development | ★ |
| Requirement to Exchange HSSI (Amendment) | Under Development | |

| Additional Documents | Status | To Be Covered Today |
|----------------------|-------------------|---------------------|
| DSA P&P Glossary | Under Development | ✓ |

QHIO P&P – *Finalized* (1 of 1)

CDII has finalized the QHIO P&P, incorporating feedback received in public comment and previous meetings of the IAC and DSA P&P Subcommittee.

| P&P Topic | Purpose |
|-----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| QHIO | This policy establishes the Qualified HIO program, which will, among other things, establish the requirements an Intermediary must satisfy to be designated as a Qualified HIO. |

Courtesy copies of the final P&P have been shared with DSA P&P Subcommittee Members and a final version will be published to the DxF website following today's meeting.

Updates to Published P&Ps

Process for Amending the DSA

CDII is updating the *Process for Amending the DSA P&P* to establish a more streamlined approach for making administrative changes to the DSA and to remove the requirement that signatories re-execute the DSA if it is amended.

Purpose

The Process for Amending the DSA P&P describes the processes by which CDII will solicit, consider, and/or implement amendments to the DSA.

What is changing?

- 1. Administrative Changes** CDII is implementing the proposed changes to this P&P as discussed during the IAC meeting on June 5th, 2023 to allow administrative changes¹ to the DSA to ensure administrative consistency across the DSA and all P&Ps. Participants will have the opportunity to object to an "administrative change" during a 10-day public comment period. Standard procedures for amendments (e.g., consultation with a task force) will not be required.
- 2. Execution of Amendments** As discussed during the IAC meeting, the *Process for Amending the DSA P&P* will be revised to remove the requirement for Participants to execute amendments to the DSA.

¹ Definition of Administration Change

An "administrative change" refers to any change that does not have a material impact on Participants, and would include, but not be limited to, changes to the definitions in the DSA to ensure consistency with the Policies and Procedures.

Next Step

Final version will be published to the DxF website following today's meeting.

Updates to Published P&Ps

Development of and Modifications to P&Ps

CDII is amending the *Development of and Modifications to P&Ps* P&P to establish a similar streamlined process for making administrative changes to P&Ps.

Purpose

The *Development of and Modifications to P&Ps* P&P describes the processes by which CDII will develop new P&Ps and modify existing P&Ps.

What is changing?

- 1. Administrative Changes** CDII is amending this P&P to allow administrative changes to P&Ps to be approved on an expedited timeline. The definition of 'administrative change' is aligned between the amendments of both this P&P and the *Process for Amending the DSA* P&P. Participants will have the opportunity to object to an "administrative change" during a 10-day public comment period.

Next Step

Final version will be published to the DxF website following today's meeting.

DSA P&P Glossary



DSA P&P Glossary

Under Development

Overview

The Glossary of Defined Terms includes the definitions used in the Data Sharing Agreement (DSA) and its Policies and Procedures. These definitions have been aggregated in the Glossary as a central library of defined terms for those seeking such a reference. This glossary is a 20-page document that currently includes 70 definitions.

Components of the DxF P&P Glossary

1. Term

The word or phrase that is defined in the DSA and/or P&Ps.

2. Definition

The meaning of each term.

3. Document Index

Lists all the documents where a term is referenced.

Business Associate

| Definition <small>(last updated 06.02.23)</small> | Documents |
|------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| “ Business Associate ” means an organization that is defined as a “business associate” in 45 C.F.R. § 160.103 of the HIPAA Regulations. | <ul style="list-style-type: none">• Individual Access Services• Permitted, Required and Prohibited Purposes• Privacy and Security Safeguards |

Next Steps

The CDII team will finalize and post the glossary to the DxF website.

DSA P&P Glossary: Updated Definitions (*Draft*)

Background

During the aggregation of these definitions, some minor adjustments were made to align terms that did not alter the terms' meanings. However, a few definitions required updates to refine their meanings. These updates were more significant and are described in the following slides.

Glossary Terms with Significant Updates

- 1. Health and Social Services Information**
- 2. Individual / Individual User/ Recipient of Services**
- 3. Participant**
- 4. Personal Representative**

Health and Social Services Information

Updated for clarification

Original Definition

HSSI shall mean any and all information received, stored, processed, generated, used, transferred, disclosed, made accessible, or shared pursuant to this Agreement, including but not limited to: (a) Data Elements as set forth in the applicable Policy and Procedure; (b) information related to the provision of health care services, including but not limited to PHI; and (c) information related to the provision of social services. Health and Social Services Information may include PHI, PII, deidentified data (as defined in the HIPAA Regulations at 45 C.F.R. § 164.514), anonymized data, pseudonymized data, metadata, digital identities, and schema.

New Definition (Draft)

HSSI means any and all **individually identifiable** information received, stored, processed, generated, used, transferred, disclosed, made accessible, or shared pursuant to the DSA including but not limited to: (a) data elements as set forth in the applicable Policy and Procedure; (b) information related to the provision of health care services, including but not limited to PHI; and (c) information related to the provision of social services. **Health and Social Services Information may include PHI, PII, and digital identities.**

Individual

Several redundant terms were merged into a single definition

Original Definitions

- **Individual** means a specific person that is the subject of Health and Social Services Information being Accessed, Used or Disclosed.
- **Individual User** shall mean the person who is the subject of PHI or PII.
- **Recipient of Services** means a patient or person who is the recipient of services, including Social Services.

New Definition(Draft)

Individual means a specific person that is the subject of Health and Social Services Information being Accessed, Used, Disclosed or Exchanged.

Participant

Necessitated an update to include all DSA signatories and their subordinates

Original Definitions

Participant(s) shall mean each health care organization as set forth in California Health and Safety Code § 130290(f) and any other person or organization that is a signatory to this Agreement. Participants may include, but are not limited to, a health information network, a community information exchange, a laboratory, a health system, a health IT developer, a community-based organization, a payer, a government agency, a research institute, or a Social Services Organization.

New Definition(Draft)

Participant(s) means each organization that is a signatory to the Data Sharing Agreement, including any identified subordinate entities of a signatory.

Personal Representative

Updated for clarification

Original Definitions

Personal Representative shall refer to a person who, under Applicable Law, has authority to act on behalf of an individual as set forth in 45 C.F.R. § 164.502(g).

New Definition(Draft)

Personal Representative means a person who, under Applicable Law, has authority to **make health care decisions** on behalf of an Individual as set forth in 45 C.F.R. § 164.502(g) **and Health and Safety Code § 123105(e)**.

Public Comment Period



Next Steps and Closing Remarks



Next Steps

CalHHS will:

- Consider the feedback provided by the DSA P&P Subcommittee
- Publish finalized P&Ps
- Continue to advance P&Ps in development and, where applicable, solicit public comment
- Finalize and release DxF Glossary
- Post a summary of today's meeting

DSA P&P Subcommittee Members may:

- Provide any feedback on the *Real-Time* P&P or the *Privacy Standards and Security Safeguards* P&P to CDII by COB, Friday, 6/30/23

Meeting Schedule

| IAC Meetings | Date |
|-----------------|---------------------------------------------------------|
| IAC Meeting #8 | July 20, 2023, 9:30 AM – 12:00 PM |
| IAC Meeting #9* | August 28, 2023, 1:00 PM – 3:30 PM (<i>tentative</i>) |

| DSA P&P Subcommittee Meetings | Date |
|-------------------------------|-------------------------------------|
| DSA P&P SC Meeting #9* | August 17, 2023, 9:30 AM – 12:00 PM |

**Meetings 9 may be held as joint sessions*

For more information or questions on DSA P&P Subcommittee meeting logistics, please [email CDII](#).

DxF Webinar Schedule

| DxF Information is Power Webinar Series* | Date |
|-------------------------------------------------|------------------------------------|
| DxF Webinar #10 | July 25, 2023, 10:00 AM – 11:00 AM |
| DxF Webinar #11 | August 24, 2023, 1:30 PM – 2:30 PM |

*Future webinars may be released at CDII's discretion.