

## CalHHS Data Exchange Framework Policy and Procedure

<b>Subject: Early Exchange</b>	
<b>Status:</b>	<b>Policy: OPP-[X]</b>
<b>Publication Date:</b>	<b>Version: 1.0</b>

### **I. Purpose**

California Health and Safety Code section 130290 was enacted in 2021 and establishes the creation of the California Health and Human Services Data Exchange Framework (“Data Exchange Framework”), which requires certain data sharing among Participants. As set forth in the Requirement to Exchange Health and Social Services Information Policy and Procedure, the earliest date on which any Participants are required to start sharing Health and Social Services Information is January 31, 2024, and accordingly, certain of the Policies and Procedures published so far have an effective date of January 31, 2024. However, some Participants may choose to start sharing Health and Social Services Information using the Data Sharing Agreement (“DSA”) before January 31, 2024 (“Early Exchange”). The purpose of this policy is to clarify that Participants that engage in Early Exchange must comply with certain Policies and Procedures regardless of the effective date set forth in such Policies and Procedures.

### **II. Policy**

This policy requires Participants that choose to engage in Early Exchange to comply with certain Policies and Procedures regardless of the effective date set forth in such Policies and Procedures. Early Exchange is voluntary, and nothing in this policy requires Participants to share Health and Social Services Information prior to the dates established in California Health and Safety Code section 130290.

This policy shall be effective immediately upon publication of the final version by the Center for Data Insights and Innovation (“CDII”) and shall automatically terminate at 11:59pm Pacific Standard Time on January 30, 2024.

### **III. Procedures**

#### **1. REQUIREMENTS TO ENGAGE IN EARLY EXCHANGE**

- (a) A Participant that chooses to engage in Early Exchange with another Participant shall:
  - (i) Execute the DSA; and
  - (ii) Verify that the other Participant has executed the DSA before providing access to or exchanging Health and Social Services Information with the other Participant.

#### **2. POLICIES AND PROCEDURES APPLICABLE TO EARLY EXCHANGE**

- (a) Participants engaging in Early Exchange shall comply with the following Policies and Procedures regardless of the effective dates set forth in such Policies and Procedures:
  - (i) Breach Notification
  - (ii) Permitted, Required and Prohibited Purposes
  - (iii) Requirement to Exchange Health and Social Services Information

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(iv) Privacy Standards and Security Safeguards

(v) Data Elements to be Exchanged

(b) In addition, Participants engaging in Early Exchange shall comply with the Information Blocking Policy & Procedure upon publication of such Policy and Procedure.

#### **IV. Definitions**

**“Early Exchange”** means sharing Health and Social Services Information using the DSA before January 31, 2024.

**“Governance Entity”** shall mean the entity within the California Health and Human Services Agency established to oversee the California Data Exchange Framework, the DSA and the Policies and Procedures.

**“Health and Social Services Information”** shall mean any and all 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 Protected Health Information (PHI); and (c) information related to the provision of Social Services. Health and Social Services Information may include PHI, Personally Identifiable Information (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.

**“HIPAA Regulations”** shall mean the standards for privacy of individually identifiable health information, the security standards for the protection of electronic protected health information and the breach notification rule (45 C.F.R. §§ 160 and 164) promulgated by the U.S. Department of Health and Human Services under the Health Insurance Portability and Accountability Act (HIPAA) of 1996, as in effect and as may be amended, modified, or renumbered.

**“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 the DSA. Participants may include, but are not limited to, a health information network, a community information exchange, a laboratory, a health system, a health information technology (IT) developer, a community-based organization, a payer, a government agency, a research institute, or a Social Services Organization.

**“Personally Identifiable Information” or “PII”** shall have the same meaning as “Personal Information” set forth in Section 1798.140(v) of the California Civil Code, but shall be limited to PII exchanged pursuant to this Agreement.

**“Policies and Procedures”** shall mean the policies and procedures adopted by the Governance Entity pursuant to the DSA.

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**“Protected Health Information” or “PHI”** shall refer to “protected health information” as set forth at 45 C.F.R. § 160.103 of the HIPAA Regulations and “medical information” as set forth at Civil Code § 56.05.

**“Social Services”** shall mean the delivery of items, resources, and/or services to address social determinants of health and social drivers of health, including but not limited to housing, foster care, nutrition, access to food, transportation, employment, and other social needs.

**“Social Services Organization”** shall mean a person or entity whose primary business purpose is to provide Social Services to individuals. Social Services Organizations can include but are not limited to government entities (including multi-department health and human services agencies), community-based organizations, nonprofits, and private entities.

### V. References

Breach Notification Policy and Procedure

California Information Blocking Prohibitions Policy and Procedure

Data Elements to be Exchanged Policy and Procedure

Permitted, Required and Prohibited Purposes Policy and Procedure

Privacy Standards and Security Safeguards Policy and Procedure

Requirement to Exchange Health and Social Services Information Policy and Procedure

45 C.F.R. §§ 160 and 164

California Health and Safety Code § 130290

California Civil Code § 56.05

California Civil Code § 1798.140(v)

Health Insurance Portability and Accountability Act (HIPAA) of 1996

### VI. Version History

	<b>Date</b>	<b>Author</b>	<b>Comment</b>
		CalHHS CDII	Pre-publication copy to be shared with IAC/DSA P&P Subcommittee