

Vang, Khoua@CDII

From: Kate Ross <kross@calhealthplans.org>
Sent: Wednesday, June 21, 2023 4:41 PM
To: CHHS CDII
Cc: Vang, Khoua@CDII
Subject: FW: Draft Policies and Procedures for Privacy Standards and Security

From: Kate Ross
Sent: Wednesday, June 21, 2023 4:39 PM
To: DeeAnne.McCallin@CHHS.CA.GOV
Cc: Anete Millers <amillers@calhealthplans.org>; Elizabeth Evenson <elizabeth@chapmanconsult.com>
Subject: Draft Policies and Procedures for Privacy Standards and Security

The California Association of Health Plans (CAHP) would like to thank the Center for Data Insights and Innovations (CDII) for the opportunity to provide comments on the revised draft Policies and Procedures for Privacy Standards and Security Safeguards. On behalf of the health plans, we offer the following comments and requests for clarification for consideration.

Requests for clarification:

- Please clarify whether data encryption would meet the requirements of de-identification, or will CDII/Data Exchange Framework require that all data be de-identified.
- Please clarify whether Plans will be required to ensure that staff comply with Security and Privacy trainings on a more frequent basis (current requirements are once per year).
- Please clarify whether Plans will be required to ensure that network providers, out-of-network providers, subcontractors, and downstream subcontractors that sign the DSA complete the necessary S&P trainings.
- On page 2, "The Participant shall comply with the verification requirements and specifications set forth at 45 C.F.R. section 165.514(h)," the Plans request review of the citation and consideration that the citation should instead be "CFR 45 § 164.514(h)"
- On page 4, "'De-identify' means health information that does not identify an individual and with respect to which there is no reasonable basis to believe that the information can be used to identify an individual, as the term is used in 45 C.F.R. § 165.514." Respectfully, Plans request review of the citation 45 CFR section 165.514 (h)" and believe that citation should instead read "CFR 45 § 164.514(h)"

Many of CAHP's member plans are contracted with the Department of Health Care Services (DHCS) to ensure individuals are enrolled in Medi-Cal managed care. The Medi-Cal managed care plans would like more information on how CDII is working with DHCS to adopt corresponding regulatory guidance. Will DHCS these requirements also be adopted by DHCS and if so, how will guidance be monitored for updates/conflicts?

We appreciate your time and consideration of these comments, and would welcome further conversation if it would be helpful to CDII.

Thank you,
California Association of Health Plans

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