

-CalHHS Data Exchange Framework Policy and Procedure

Subject: Process for Amending the DSA

Status: Final	Policy: OPP-1
Publication Date: July 5, 2022 <u>TBD</u>	Version: 1.0 <u>2.0</u>

I. Purpose

~~The Governance Entity~~

~~The Center for Data Insights and Innovation (“CDII”)~~ has responsibility for overseeing the implementation and operation of the California Health and Human Services Data Exchange Framework (“Data Exchange Framework”). The Data Exchange Framework includes the Data Sharing Agreement (the “DSA”), which is executed by all ~~of the~~ Participants in the Data Exchange Framework. ~~The Governance Entity~~ CDII has responsibility for managing amendments to the DSA. The purpose of this policy is to set forth the process procedures by which ~~the Governance Entity~~ CDII will fulfill this responsibility.

II. Policy

~~The Governance Entity~~

~~This policy sets forth the process~~ CDII shall follow ~~the process set forth in this policy~~ in order to amend the DSA. An amendment to the DSA shall be effective only if implemented as provided in this policy.-

~~This~~

~~Sections III.1 and III.5 of this policy shall be effective upon publication. All other sections of this policy shall be effective as of January 31, 2024.~~

III. Procedures

1. RETENTION AND DISSEMINATION OF THE DSA

~~The Governance Entity~~

a. CDII shall maintain the DSA in a publicly accessible location and shall maintain all original, executed copies of the DSA. In addition, ~~the Governance Entity~~ CDII shall maintain a list of the current and prior Participants, ~~as well as a list of individuals and entities that are required to execute the DSA but have not yet done so, in a publicly accessible location.~~ The current version of the DSA as well as originals of all previous versions shall be maintained ~~for the duration of their usefulness in accordance with Applicable Law and any applicable state policies, or if no applicable state law or policy exists,~~ as determined by ~~the Governance Entity~~ CDII.

~~1. SUBMISSION OF PROPOSED AMENDMENTS TO THE DSA~~

2. SUBMISSION OF PROPOSED AMENDMENTS TO THE DSA

b.a. Any ~~member of the Governance Entity,~~ Participant or ~~any~~ other stakeholder that ~~the Governance Entity~~ CDII deems appropriate may submit in writing to ~~the Governance Entity~~ CDII a request for an amendment to the DSA. Additionally, ~~the Governance Entity~~ CDII may, at its discretion, solicit requests for amendments to the DSA from all Participants and other interested stakeholders. All requests for proposed amendments shall identify the section of the DSA that is the subject of the requested amendment (if any) and shall provide (i) ~~a~~ thorough description of why the requested amendment is necessary, (ii) ~~the~~ proposed language for the requested amendment and (iii) ~~an~~ analysis of the expected impact of the requested amendment.-

~~2. CONSIDERATION OF PROPOSED AMENDMENTS TO THE DSA~~

~~The Governance Entity~~

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b. CDII may also bring forth any concern or question regarding the DSA, and/or propose an amendment to the DSA.

3. CONSIDERATION OF PROPOSED AMENDMENTS TO THE DSA

e.a. CDII shall define criteria for which requests for proposed amendments merit additional consideration.-

b. If a request for a proposed amendment satisfies the criteria established by ~~the Governance Entity, the Governance Entity~~CDII, CDII will forward such request to legal counsel for an initial legal review. Following this initial legal review, a task force established by ~~the Governance Entity~~CDII shall, in consultation with ~~local partners and~~ a stakeholder advisory group appointed by the Secretary of California Health and Human Services, determine how to address the request.-

e.c. Prior to approving any amendments to the DSA, the task force shall solicit and consider comments from the Participants on the new, amended, repealed or replaced provisions of the DSA. To promote openness and transparency, the task force shall post proposed changes to the DSA to a publicly accessible location.

e.d. Following the task force's approval of the amendment to the DSA, the Participants shall be given at least forty-five (45) calendar days to review the approved amendment and register an objection if a Participant believes the amendment will have a significant adverse operational or financial impact on the Participant. Such objection shall be submitted to ~~the Governance Entity~~CDII and contain a summary of the Participant's reasons for the objection.-

e.e. If the task ~~group's force's~~ recommendation is that the DSA should not be amended and ~~the Governance Entity~~CDII approves such a recommendation, ~~the Governance Entity~~CDII will inform the requestor of its determination in a written explanation.-

3. IMPLEMENTATION OF PROPOSED AMENDMENTS TO THE DSA

4. IMPLEMENTATION OF PROPOSED AMENDMENTS TO THE DSA

e.a. If the task ~~group's force's~~ recommendation is to amend the DSA and ~~the Governance Entity~~CDII approves such a recommendation, ~~the Governance Entity~~CDII will ~~circulate the amendment to all of the Participants for signature at~~publish the amended DSA in a publicly accessible format one hundred and eighty (180) calendar days prior to the effective date of the amendment, except ~~in the event that when~~ a shorter time period is necessary ~~in order~~ to comply with Applicable Law. When ~~the Governance Entity circulates the amendment for signature, the Governance Entity~~CDII publishes the amended DSA, CDII will also ~~provide Participants with~~publish the following information:-

i. A reasonably comprehensive statement as to the reasons for the amendment and any foreseeable impact of the change;-

ii. A statement regarding whether the amendment is necessary ~~in order for the Data Exchange Framework, the Governance Entity~~for CDII or Participants to comply with

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Applicable Law; and

- iii. The effective date of the amendment; ~~and~~.
- ~~i. A time period for the Participants to execute the proposed amendment.~~

5. ADMINISTRATIVE AMENDMENTS TO THE DSA

a. Notwithstanding Sections 2 through 4 above, CDII may make modifications to the DSA to ensure administrative consistency across the DSA and all Policies and Procedures. Such modifications will be limited to administrative changes.

b. An “administrative change” is any change that does not have a material impact on Participants. Administrative changes also include, but are not necessarily limited to, changes to the definitions in the DSA to ensure consistency with the Policies and Procedures.

c. In the event CDII makes an administrative change to the DSA, it will provide notice at least thirty (30) calendar days prior to the effective date of the change and a written explanation for the change, including why CDII determined the change would not have a material impact on Participants. CDII shall publish the proposed amendment to the DSA simultaneously and provide means for public comment during such thirty (30) calendar day period to allow the public to raise any objections to the materiality of the administrative change.

IV. Definitions

All ~~other~~ capitalized terms ~~not defined herein~~ shall have the ~~same~~ meaning ~~as~~ set forth in the DSA: Data Exchange Framework Glossary of Defined Terms.

~~H. References~~

~~III. Related Policies and Procedures~~

V. Version History

<u>No.</u>	<u>Date</u>	<u>Author</u>	<u>Comment</u>
<u>1.0</u>	July 1, 2022	CalHHS CDII	Final
<u>2.0</u>	<u>TBD</u>	<u>CalHHS CDII</u>	<u>Final. Amended to add provisions for administrative changes to the DSA and to remove the requirement for Participants to execute amendments to the DSA.</u>

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