

**California Health & Human Services Agency
Center for Data Insights and Innovation
Data Exchange Framework Implementation Advisory Committee
Data Sharing Agreement Policies and Procedures Subcommittee
Meeting 10 Transcript (9:00AM – 11:00AM PT, October 31, 2023)**

The following text is a transcript of the October 31, 2023 meeting of the California Health & Human Services Agency and Center for Data Insights and Innovation Data Exchange Framework Implementation Advisory Committee, Data Sharing Agreement Policies and Procedures Subcommittee. The transcript was produced using Zoom's transcription feature. It should be reviewed concurrently with the recording – which may be found on the CalHHS Data Exchange Framework [website](#) - to ensure accuracy.

1
00:00:04.940 --> 00:00:06.719
Courtney Hansen: Good morning, everyone.

2
00:00:07.200 --> 00:00:19.700
Courtney Hansen: My name is Courtney Hanson, and I am stepping in for Dean Mckellen as chair for the DSA. P. And P. Subcommittee for purposes of this meeting. So sorry in advance. You're all stuck with me today.

3
00:00:21.010 --> 00:00:25.030
Courtney Hansen: Thank you for joining us for our tenth meeting of the

4
00:00:26.390 --> 00:00:29.559
Courtney Hansen: Dsa. P. And P. Pnp. Subcommittee.

5
00:00:30.010 --> 00:00:33.790
Courtney Hansen: Today's discussion will focus on a few different items.

6
00:00:36.490 --> 00:00:40.340
Courtney Hansen: I'm jumping ahead. I'll go ahead and let Minnat start us off.

7

00:00:41.090 --> 00:00:42.780

Carmela L - Events: Thank you so much, Courtney.

8

00:00:43.060 --> 00:00:54.820

Carmela L - Events: Hello, and welcome everyone. If you experience technical difficulties, please type in your question into the Q&A live closed captioning is available. Please please click on CC

9

00:00:54.840 --> 00:00:58.460

Carmela L - Events: to disable or enable the post captioning.

10

00:00:58.650 --> 00:01:02.060

Carmela L - Events: There are a few ways. Attendees may participate to day

11

00:01:02.550 --> 00:01:14.430

Carmela L - Events: for written comments. Participants may submit comments and questions through the Zoom. QA. Box. All comments will be recorded and reviewed by CD. Iii. Staff

12

00:01:14.650 --> 00:01:17.959

Carmela L - Events: participants may also submit comments and questions

13

00:01:17.980 --> 00:01:28.760

Carmela L - Events: as well as requests to receive data, exchange framework updates to cdii@chs.ca.gov.

14

00:01:28.960 --> 00:01:32.520

Carmela L - Events: Questions that require follow up should be sent to the same address

15

00:01:34.640 --> 00:01:50.200

Carmela L - Events: for spoken comments. Members of the public and DSAP. And P. Subcommittee members must raise their hand, for soon facilitators to unmute them to share comments. The chair will notify participants of of the appropriate time to volunteer feedback.

16

00:01:50.490 --> 00:01:52.820

Carmela L - Events: If you logged in into zoom.

17

00:01:53.300 --> 00:02:03.959

Carmela L - Events: Please 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.

18

00:02:04.340 --> 00:02:11.399

Carmela L - Events: If you logged on by a phone only please press Star 9 on your phone to raise your hand.

19

00:02:11.680 --> 00:02:14.799

Carmela L - Events: Listen for your phone number to be called by the moderator

20

00:02:15.000 --> 00:02:21.399

Carmela L - Events: if selected to share your comment, please ensure you are unmuted on your phone by pressing Star 6.

21

00:02:23.370 --> 00:02:36.540

Carmela L - Events: Public comment will be taken during the designated times, and 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.

22

00:02:36.980 --> 00:02:45.509

Carmela L - Events: Individuals will be recognized for up to 2 min, and are asked to state their name and organizational affiliation. At the top of their comments.

23

00:02:45.850 --> 00:02:56.339

Carmela L - Events: Participants are encouraged to use the comment box to ensure all feedback is captured or email their comments to CDII at CHS.

24

00:02:56.460 --> 00:03:01.590

Carmela L - Events: Dot ca.gov. and with and with that Courtney back over to you.

25

00:03:03.810 --> 00:03:05.320
Courtney Hansen: thank you.

26

00:03:05.360 --> 00:03:11.340
Courtney Hansen: I will start over as I jumped the gun earlier, a little out of practice.

27

00:03:11.470 --> 00:03:17.260
Courtney Hansen: So my name is Courtney Hansen for those who weren't here. A few minutes ago.

28

00:03:17.450 --> 00:03:29.450
Courtney Hansen: I am assistant chief counsel at Cdi, and I am stepping in on for Dean as chair today. So. as I said before, you're all stuck with me today, I apologize.

29

00:03:29.930 --> 00:03:35.899
Courtney Hansen: Thank you for joining us for our tenth meeting of our Dsa. P. And P. Subcommittee.

30

00:03:36.640 --> 00:03:44.940
Courtney Hansen: Today's discussion will focus on a few different items. An overview of open and recently concluded public comment. Periods

31

00:03:45.340 --> 00:03:53.080
proposed policy for charging of fees under the Dxf. And Associated updates to Pnps

32

00:03:53.500 --> 00:03:58.399
Courtney Hansen: and review of draft language for our new Participant Directory, Pnp.

33

00:03:58.740 --> 00:04:03.260
Courtney Hansen: Introduced at the that we introduced the concept of at the September meeting

34

00:04:04.680 --> 00:04:08.859
Courtney Hansen: we will begin the meeting with a quick roll call, please stay present. As I read your name.

35

00:04:13.450 --> 00:04:16.779

Courtney Hansen: Tashish, Shatera Tria.

36

00:04:19.769 --> 00:04:21.100

Courtney Hansen: Bill Barcelona.

37

00:04:24.610 --> 00:04:25.610

Courtney Hansen: Shelly brown.

38

00:04:29.750 --> 00:04:30.990

Courtney Hansen: Jason Buckner.

39

00:04:31.870 --> 00:04:32.750

Jason Buckner: Present.

40

00:04:33.420 --> 00:04:34.640

Courtney Hansen: Good morning.

41

00:04:35.450 --> 00:04:38.440

Louis Cretaro: Luis Cretaro. Present.

42

00:04:38.830 --> 00:04:40.130

Courtney Hansen: Good morning.

43

00:04:40.600 --> 00:04:42.130

Courtney Hansen: Matthew Eisenberg.

44

00:04:46.480 --> 00:04:47.670

Courtney Hansen: John Helvey.

45

00:04:48.420 --> 00:04:49.780

John Helvey: Present. Good morning.

46

00:04:49.930 --> 00:04:53.030
Courtney Hansen: Good morning. Sanjay Jane.

47
00:04:53.280 --> 00:04:54.890
Sanjay Jain: Present. Good morning.

48
00:04:54.920 --> 00:04:57.949
Courtney Hansen: Good morning. Brian Johnson.

49
00:05:00.770 --> 00:05:02.400
Courtney Hansen: Dianne Kim Friton.

50
00:05:04.450 --> 00:05:05.480
Diana Kaempfer-Tong: Present.

51
00:05:05.810 --> 00:05:07.680
Courtney Hansen: Good morning. Morning.

52
00:05:08.270 --> 00:05:10.380
Courtney Hansen: Justin Coltenbach

53
00:05:16.980 --> 00:05:17.830
Courtney Hansen: slide.

54
00:05:19.050 --> 00:05:20.220
Courtney Hansen: Helen Kim.

55
00:05:21.080 --> 00:05:21.800
Helen Kim: But

56
00:05:22.420 --> 00:05:25.530
Courtney Hansen: good morning. Stephen Lane.

57
00:05:25.570 --> 00:05:27.020

Steven Lane: Good morning. I'm here.

58

00:05:27.280 --> 00:05:30.020

Courtney Hansen: Good morning. Sunny Lowell.

59

00:05:33.530 --> 00:05:34.829

Courtney Hansen: the Matsabara.

60

00:05:35.700 --> 00:05:36.650

Lisa Matsubara: Good morning.

61

00:05:37.020 --> 00:05:38.049

Courtney Hansen: Good morning.

62

00:05:39.070 --> 00:05:40.380

Courtney Hansen: Jackie Nordoff.

63

00:05:40.870 --> 00:05:41.890

Jackie Nordhoff: Good morning.

64

00:05:42.200 --> 00:05:46.539

Deven McGraw: good morning. Courtney, I'm here. It's Devin McGraw.

65

00:05:47.430 --> 00:05:51.919

Courtney Hansen: Oh, I'm so sorry I skipped over your name. Good morning, Devin.
Good morning.

66

00:05:52.780 --> 00:05:54.089

Courtney Hansen: Eric Ruffin.

67

00:05:59.880 --> 00:06:03.650

Courtney Hansen: Mark Savage. Good morning. good morning.

68

00:06:04.860 --> 00:06:06.520

Courtney Hansen: Tom, swinging her

69

00:06:10.080 --> 00:06:11.470

Courtney Hansen: Morgan Staines

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00:06:12.090 --> 00:06:13.580

Morgan Staines: present. Good morning. All.

71

00:06:13.960 --> 00:06:15.080

Courtney Hansen: Good morning.

72

00:06:16.100 --> 00:06:17.560

Courtney Hansen: Elizabeth Steffen.

73

00:06:21.190 --> 00:06:22.390

Courtney Hansen: Li Tian.

74

00:06:22.800 --> 00:06:23.740

Lee Tien: Present.

75

00:06:24.070 --> 00:06:25.260

Courtney Hansen: Good morning.

76

00:06:26.800 --> 00:06:28.180

Courtney Hansen: Belinda Waltman.

77

00:06:28.600 --> 00:06:29.480

Belinda Waltman: Present.

78

00:06:30.190 --> 00:06:33.780

Courtney Hansen: Good morning. and Teri Wilcox.

79

00:06:33.900 --> 00:06:36.610

Terry Wilcox: Present. Good morning. Good morning.

80

00:06:38.510 --> 00:06:39.770

Courtney Hansen: Right

81

00:06:41.370 --> 00:06:42.690

Courtney Hansen: next slide, please.

82

00:06:44.850 --> 00:06:55.459

Courtney Hansen: So today we have a few different speakers, and I apologize. There's been a slight change. With Diane's absence, so you will hear from me and Rim.

83

00:06:55.840 --> 00:06:58.520

Courtney Hansen: as well as I believe.

84

00:06:59.320 --> 00:07:03.129

Courtney Hansen: Helen Fister and Cindy Barrow

85

00:07:03.940 --> 00:07:09.739

Courtney Hansen: feel free to jump in and tell me I'm wrong, but I believe those are are
2

86

00:07:10.120 --> 00:07:10.940

Courtney Hansen: at

87

00:07:11.610 --> 00:07:16.720

Courtney Hansen: our 2 folks from our great team at the net that are going to step in and help out today

88

00:07:17.960 --> 00:07:19.240

Helen Pfister: next slide.

89

00:07:23.090 --> 00:07:29.890

Courtney Hansen: So I'd like to begin today by reminding us all of our vision for data exchange in California. So next slide.

90

00:07:31.050 --> 00:07:41.100

Courtney Hansen: And that is, that every California and the health and human services, providers and organizations that care for them will have timely and secure access to usable information

91

00:07:41.150 --> 00:07:51.079

Courtney Hansen: that is needed to address their health and social needs and enable the effective and equitable delivery of services to improve their lives. And well being.

92

00:07:51.570 --> 00:07:56.519

Courtney Hansen: And as always we ask that you keep this as your North star through today's discussions

93

00:07:57.800 --> 00:07:59.010

Courtney Hansen: for

94

00:07:59.890 --> 00:08:02.450

Courtney Hansen: anyone that missed it.

95

00:08:02.590 --> 00:08:06.149

Courtney Hansen: I would like to start today off by mentioning that

96

00:08:07.430 --> 00:08:17.420

Courtney Hansen: we before we dive into our P. And piece today. I would like to share the great news that the QHIO. Participating members of

97

00:08:18.780 --> 00:08:20.760

Courtney Hansen: I apologize

98

00:08:21.170 --> 00:08:30.620

Courtney Hansen: the great news that 9 organizations were named Qhios last week. We have some representatives from these Q hos, participating as members on the Subcommittee.

99

00:08:30.980 --> 00:08:38.299

Courtney Hansen: Please visit our website to learn more about the Qah's and how they may be able to help your organizations.

100

00:08:38.580 --> 00:08:42.090

Courtney Hansen: And you can see of the available press. Release there.

101

00:08:42.240 --> 00:08:53.779

Courtney Hansen: For folks who are unaware. The qahos that were announced are applied research works, Inc. Health gorilla, Inc. Lung health ink

102

00:08:54.010 --> 00:09:07.889

Courtney Hansen: lanes. manifest medics. Orange County partners in health, health information, exchange. Sac Valley, Medshare. San Diego health connect and serving communities, health information, organization.

103

00:09:09.980 --> 00:09:13.399

Courtney Hansen: And with that I think we can go to the next slide.

104

00:09:15.420 --> 00:09:19.230

Courtney Hansen: Congratulations to all of our new Qh. los.

105

00:09:21.190 --> 00:09:26.309

Courtney Hansen: So, as we touched on briefly during our review of the agenda.

106

00:09:26.330 --> 00:09:40.420

Courtney Hansen: These are our meeting topics today. So we're going to review the status of the different Pnps we're going to discuss proposed policy for charging fees under the Dxf. Which I know is a new concept. And we'll we'll get into that.

107

00:09:41.110 --> 00:09:46.930

Courtney Hansen: and we will discuss draft language for the Participant Directory, Pnp next slide

108

00:09:49.640 --> 00:09:50.570

Courtney Hansen: next slide.

109

00:09:54.370 --> 00:10:06.599

Courtney Hansen: So this slide lists all the different Tnp's we have in development. Cdi I is currently working to finalize 2 of those Pnps following the close public comment last month.

110

00:10:06.910 --> 00:10:13.709

Courtney Hansen: and those are privacy standards and security safeguards and requirement to exchange. Ss. H. SSI,

111

00:10:13.910 --> 00:10:21.349

Courtney Hansen: and thank you so much for everyone who provided public comments. We take those very seriously. And we really appreciate your input on them.

112

00:10:22.100 --> 00:10:29.940

Courtney Hansen: We also provided a notice of intended administration administrative changes to the individual access services. Pnp.

113

00:10:30.220 --> 00:10:33.729

Courtney Hansen: we'll cover that as well on a coming slide.

114

00:10:34.880 --> 00:10:50.319

Courtney Hansen: and last week we provided notice of intended administrative changes to the breach. Notification. Pnp. so that's out for public comment. Now, objections to the characterization of the proposed changes as administrative.

115

00:10:50.560 --> 00:10:54.560

Courtney Hansen: I will be accepted until 5 Pm. On November 20, seventh

116

00:10:54.880 --> 00:11:18.789

Courtney Hansen: we are going through, as you can tell, and looking at through our pnps and making sure that they are all consistent. Now that we have additional pnps, making sure they reference each other, making sure we use the same terminology across the board. So you'll see a number of these different administrative modifications rolling out over the next couple of months as we try to get them all tidied up in time for January 30. First.

117

00:11:20.910 --> 00:11:34.900

Courtney Hansen: We are also soliciting full public comment on the data elements to be exchanged. Pnp comments will be accepted until 8 Am. On Monday, November twentieth. All of those details and dates can be found on our Dxf website.

118

00:11:36.070 --> 00:11:45.770

Courtney Hansen: And then the focus of today's discussion will be on the 2 Pnps in development. The Participant Directory and a new proposed Pnp. On fees

119

00:11:46.310 --> 00:11:47.240

Courtney Hansen: next slide.

120

00:11:50.920 --> 00:12:08.230

Courtney Hansen: So for the public comment period for data elements to be exchanged. As I mentioned, Cdi released an amended draft of data elements to be exchanged P. And P. For full public comment. So we're soliciting public comment on the entire document. We've made substantive changes.

121

00:12:08.270 --> 00:12:22.529

Courtney Hansen: And this is like any other public comment we've done. It's different than just our administrative changes. But you will notice in that document we've called out the administrative changes as well, and we've done it in a way where we're trying not to take away from

122

00:12:22.900 --> 00:12:25.809

Courtney Hansen: using the big substantive changes that we've made.

123

00:12:27.260 --> 00:12:30.150

Courtney Hansen: Not, I say, big, but bigger, substantive changes

124

00:12:32.160 --> 00:12:34.900

Courtney Hansen: the amended draft. Also.

125

00:12:35.950 --> 00:12:50.350

Courtney Hansen: So includes those administrative changes that you know. Align the Pnp with the glossary to divine terms. They pulled the definition section out, again, the same sort of administrative changes we've been making

126

00:12:51.990 --> 00:12:56.699

Courtney Hansen: more information can be found on our public comment section on the Dxf website

127

00:12:57.610 --> 00:12:59.060

Courtney Hansen: and next slide

128

00:13:01.770 --> 00:13:14.549

Courtney Hansen: or the breach notification. Pnp, these are administrative changes. So it's out for a public comment on whether you believe that. Adm, the changes that we're making are administrative or substantive.

129

00:13:14.970 --> 00:13:20.560

Courtney Hansen: So it's a very different public comment process. We are not looking for public comment on.

130

00:13:21.170 --> 00:13:31.569

Courtney Hansen: we're not looking for public comment on the substance of the document. We're really only focused on whether you agree that the changes that we're making are administrative.

131

00:13:31.890 --> 00:13:32.970

Courtney Hansen: So

132

00:13:33.300 --> 00:13:37.509

Courtney Hansen: some information on how to provide public comments on

133

00:13:37.600 --> 00:13:41.430

Courtney Hansen: the breach notification P and P. Is also available on our website.

134

00:13:42.980 --> 00:13:47.940

Courtney Hansen: Objections to the Pmp. Being

135

00:13:48.100 --> 00:13:52.230

Courtney Hansen: administrative are due at 5 pm. On November 20, seventh

136

00:13:54.250 --> 00:13:55.560

Courtney Hansen: next slide.

137

00:13:58.600 --> 00:14:04.209

Courtney Hansen: and we recently closed public comment on the individual access pnp.

138

00:14:05.120 --> 00:14:14.699

Courtney Hansen: so that was limited to administrative changes. Cdi is revising the Pmp. To ensure consistency with the glossary

139

00:14:15.070 --> 00:14:26.499

Courtney Hansen: we had public comment open through October 20, third and Cdi. I provided an opportunity to public to object to the nature of those changes.

140

00:14:26.720 --> 00:14:28.710

Courtney Hansen: Whether they're administrative or not.

141

00:14:29.270 --> 00:14:44.389

Courtney Hansen: we received feedback, which included a request for confirmation that, replacing references in the Pnp. One of the definitions we're replacing the term Phi or P. Iii. With the new definition of health and social services. Information

142

00:14:44.720 --> 00:14:50.890

Courtney Hansen: we believe that was an administrative change. We maintain that this is a modification of

143

00:14:51.580 --> 00:14:57.250

Courtney Hansen: this modification is an administrative change, and does not S. Substantively change the definition?

144

00:14:57.450 --> 00:15:04.900

Courtney Hansen: But one public commenter did really want us to confirm that. So we wanted to take the time to just confirm that for folks

145

00:15:05.390 --> 00:15:07.000

Courtney Hansen: upon

146

00:15:07.240 --> 00:15:18.110

Courtney Hansen: review of objections received or I don't think we've received any. So Cdi maintains that all proposed modifications are administrative.

147

00:15:18.330 --> 00:15:27.149

Courtney Hansen: and we will move forward with finalizing those that Pnp. in line with what we've posted for public comment with those administrative changes.

148

00:15:29.220 --> 00:15:31.129

Courtney Hansen: and then next slide.

149

00:15:33.400 --> 00:15:40.690

Courtney Hansen: So we also put out privacy and security safeguards for public comment, and we received a good number of public comments in it.

150

00:15:40.730 --> 00:15:56.390

Courtney Hansen: We really appreciate getting those, because this is really important to get right. So, as you know, the purpose of that Pnp is to help maintain the privacy, security, integrity of both protected health information and personally identifiable information.

151

00:15:56.770 --> 00:16:00.070

Courtney Hansen: and to really promote that trust across the Dxf.

152

00:16:01.060 --> 00:16:06.760

Courtney Hansen: So there were a number of thing updates that we've made in line with

153

00:16:06.770 --> 00:16:12.050

Courtney Hansen: receiving public comment. And then there is one change that we

154

00:16:12.270 --> 00:16:22.110

Courtney Hansen: we're bringing back here to solicit a little bit of feedback on before we finalize the document one.

155

00:16:23.190 --> 00:16:29.419

Courtney Hansen: we received one question that. So we're going to clarify that selling de-identified

156

00:16:29.590 --> 00:16:32.140

Courtney Hansen: data I

157

00:16:33.190 --> 00:16:39.070

Courtney Hansen: clarify that participants may not sell the identified data that they receive under the Dsa

158

00:16:40.160 --> 00:16:46.039

Courtney Hansen: we're going to. We've added language about gender affirming care

159

00:16:46.180 --> 00:16:48.960

Courtney Hansen: and abortion and abortion-related services

160

00:16:50.350 --> 00:17:00.849

Courtney Hansen: for non-covered entities. We've revised language that refers participants who are not covered entities. Previously we had

161

00:17:01.680 --> 00:17:02.860

Courtney Hansen: specific

162

00:17:03.360 --> 00:17:17.650

Courtney Hansen: purposes that they were able to share for. And it was pointed out to us that didn't. That didn't really align with our Pnp, so instead, now we allow non-covered entities to exchange the health and social services. Same information they receive

163

00:17:17.740 --> 00:17:21.749

Courtney Hansen: in accordance with applicable law and with the

164

00:17:21.780 --> 00:17:27.240

Courtney Hansen: permitted required and prohibited purposes. B. And B. So we created some alignment there.

165

00:17:28.210 --> 00:17:40.990

Courtney Hansen: We've added additional language for specially protected information that clarifies that participants must comply with all clickable law. I know we received a number of comments asking for a complete list of laws that may apply.

166

00:17:41.440 --> 00:17:42.509

Courtney Hansen: and that's

167

00:17:43.420 --> 00:17:46.759

Courtney Hansen: something that I think maybe a future goal.

168

00:17:46.900 --> 00:17:57.429

Courtney Hansen: But it is a huge undertaking. That I don't think we will be able to achieve before that January date. So it's something that we may revisit in the future.

169

00:17:58.330 --> 00:18:08.689

Courtney Hansen: we would need, the help of the subcommittee as well as the public, to try to gather all of that information of what loss may apply to the different types of information

170

00:18:10.130 --> 00:18:35.720

Courtney Hansen: for securely destroy. We've added language at the definition of securely destroy that refers participants to the Ocr guidance on how to securely destroy H. Ss, I. We heard a lot of discussion about how do you securely destroy information? What does that mean? And so, in addition to providing a a definition in line with NIST, we've pointed folks to the Ocr guidance on this

171

00:18:36.060 --> 00:18:40.640

Courtney Hansen: that they lay out very well. How you can securely destroy Phi.

172

00:18:42.240 --> 00:18:46.560

Courtney Hansen: And then for business associate agreements

173

00:18:47.560 --> 00:18:55.380

Courtney Hansen: we've added additional language that clarifies that Pnp's that. Nothing in our Pnp requires

174

00:18:55.560 --> 00:18:59.119

Courtney Hansen: business associate agreement in absence of

175

00:18:59.150 --> 00:19:01.510

Courtney Hansen: that requirement under Applicable law.

176

00:19:07.060 --> 00:19:08.190

Courtney Hansen: And next slide.

177

00:19:09.240 --> 00:19:15.710

Rim Cothren, CDII CalHHS: Courtney, before you go on to this slide. There were a couple of questions in chat one from Devin that you might want to touch on.

178

00:19:20.950 --> 00:19:31.230

Deven McGraw: Yeah, the the question, Courtney, is, if the participants, if there's a policy that is being considered that would preclude the participants from selling de-identified data. Is there a similar?

179

00:19:31.340 --> 00:19:34.799

Deven McGraw: So prohibition being proposed for the Q. Hyos

180

00:19:35.200 --> 00:19:40.140

Deven McGraw: they're not technically participants. They facilitate participant exchange. But they.

181

00:19:40.150 --> 00:19:44.000

Deven McGraw: you know, depending on the model of the queueio. There may be

182

00:19:44.430 --> 00:19:49.929

Deven McGraw: de-identified data sharing that their agreements permit. So

183

00:19:50.520 --> 00:19:57.749

Deven McGraw: it's just curious whether they're we're sort of locking up the whole of the network or just the ends.

184

00:20:00.600 --> 00:20:24.319

Helen Pfister: I don't recall the exact language. Change, Helen, are you able to speak to this? Yeah. So participant. Sorry. Qh, ios are a subset of participants to the to the Dsa Devin, and so they, too, will be covered by the language and the privacy security. Pmp, that addresses the identified data.

185

00:20:29.460 --> 00:20:32.389

Courtney Hansen: Were there any other questions before we

186

00:20:32.680 --> 00:20:42.030

Courtney Hansen: continue? Sorry I haven't really stopped for questions. I do plan to stop before we finish. This is

187

00:20:42.270 --> 00:20:53.630

John Helvey: this is John, how we have a question around the de identified data and quote unquote selling it. The identify the identified information is really critical for researchers as we evolve as

188

00:20:53.720 --> 00:21:06.329

John Helvey: more of health data utilities and being able to provide them access. Are are we saying we cannot allow them to subscribe to de-identified data sets for for research purposes? Or.

189

00:21:07.080 --> 00:21:12.619

John Helvey: I think selling needs to be further clarified.

190

00:21:21.310 --> 00:21:27.490

Helen Pfister: Yeah, let let me jump in. I don't think we are trying to prevent any

191

00:21:27.540 --> 00:21:34.930

Helen Pfister: use or disclosure of de identified data that occurs currently, what we're trying to do here is to ensure that

192

00:21:34.950 --> 00:21:47.310

Helen Pfister: if a participant shares data with another participant under the data exchange framework and the receiving participant doesn't have the right to to data, identify that data, sell that data, etc. It doesn't mean that participants can't

193

00:21:47.400 --> 00:21:59.689

Helen Pfister: enter agreements outside the Dxf as long as it's not obviously inconsistent with Dxf. And isn't Val? And it's consistent with the clickable law. But it's really just trying to protect the data that participants have to exchange under the data exchange framework.

194

00:21:59.780 --> 00:22:01.679

Helen Pfister: Courtney does that you agree with that?

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00:22:03.770 --> 00:22:04.590

Courtney Hansen: Yes.

196

00:22:06.750 --> 00:22:08.420

Helen Pfister: Does that answer your question, John?

197

00:22:08.730 --> 00:22:14.099

John Helvey: It it answers my question. I just don't think that the policy reflects that clearly.

198

00:22:14.820 --> 00:22:16.900

Helen Pfister: So we can take that back and take a look at it.

199

00:22:17.120 --> 00:22:21.660

John Helvey: Yeah, I think that the policy should, you know, clearly support us supporting.

200

00:22:21.860 --> 00:22:23.799

John Helvey: you know, research, I mean.

201

00:22:26.340 --> 00:22:35.470

John Helvey: you know, connections and the utilization of de-identified data sets. And you know, as qhos, we can't do that for free

202

00:22:35.680 --> 00:22:38.709

John Helvey: because there's a lot of

203

00:22:39.060 --> 00:22:53.019

John Helvey: overhead and cost that that goes into making sure and risk that goes into making sure that that's adequately done as we evolve. I would hate for us to have a policy statement in there that's confusing has gone. Lead us down

204

00:22:53.790 --> 00:23:01.070

John Helvey: the path of wow! Resistance or confusion or change changes later.

205

00:23:03.130 --> 00:23:03.860

Sure.

206

00:23:05.080 --> 00:23:07.149

Courtney Hansen: We'll take that back and consider it.

207

00:23:09.160 --> 00:23:10.120

Courtney Hansen: Stephen.

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00:23:10.380 --> 00:23:12.060

Steven Lane: Yeah,

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00:23:12.190 --> 00:23:40.729

Steven Lane: Helen, I think you just, responded the the comment that queue hios are a subset of participants, or also covered by all the points that were just made about the privacy and security pnps. Would you say that that is true? For all of the Pnps that that Q. Hios and participants have have similar obligations under them? Or these questions that should be raised. Sort of policy by policy.

210

00:23:40.950 --> 00:23:58.169

Helen Pfister: No, I mean, that would be true of all the Pmp's. I mean, there are provisions of certain pmp's that call out differences between what applies to appe participants. That's a QHIO. As opposed to a participant. That's not. But as a sort of blanket statement. Definition, participant includes QH. los. Across the pmp's and the Dsa. Itself.

211

00:24:00.350 --> 00:24:01.200

Steven Lane: Thank you.

212

00:24:03.990 --> 00:24:04.940

Courtney Hansen: Morgan.

213

00:24:05.430 --> 00:24:08.929

Morgan Staines: Thanks, Courtney. I just wanted to follow on on John's

214

00:24:09.380 --> 00:24:16.339

Morgan Staines: comment about about research, and I still have significant concern about that. That are

215

00:24:16.610 --> 00:24:18.970

Morgan Staines: our departments. Now.

216

00:24:19.110 --> 00:24:24.719

Morgan Staines: data has, you know, has an overriding Federal and State limitations

217

00:24:24.740 --> 00:24:29.789

Morgan Staines: that it can only be used in ways that support the administration of our program.

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00:24:29.990 --> 00:24:31.860

Morgan Staines: And and

219

00:24:32.150 --> 00:24:41.330

Morgan Staines: can the research zone? That means we don't allow others to decide when our data goes into research projects

220

00:24:41.530 --> 00:24:42.820

Morgan Staines: that we retain

221

00:24:43.060 --> 00:24:46.050

Morgan Staines: control over that.

222

00:24:46.380 --> 00:24:55.409

Morgan Staines: And so that the possibility that that Qh, ios, or other participants might use our data

223

00:24:55.850 --> 00:24:59.299

Morgan Staines: for research without our move. Always.

224

00:25:00.400 --> 00:25:04.640

Morgan Staines: That's very problematic for us. De-identified

225

00:25:04.780 --> 00:25:10.109

Morgan Staines: means different things to different people. We have lots of experience with that.

226

00:25:11.610 --> 00:25:14.079

Morgan Staines: It's not comforting at all, hey?

227

00:25:14.350 --> 00:25:20.990

Courtney Hansen: Absolutely. I do want to point out Morgan. There is a standard for de-identification in the privacy and security. Vnp.

228

00:25:22.280 --> 00:25:24.570

Courtney Hansen: consistent with hipaa.

229

00:25:26.460 --> 00:25:30.599

Courtney Hansen: Just so. Everyone is speaking the same language when it comes to the identification.

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00:25:32.150 --> 00:25:32.890

Courtney Hansen: and

231

00:25:33.540 --> 00:25:41.739

Courtney Hansen: that this is an important issue. We're going to bring it back and consider it. Are there any other comments on it before we move forward?

232

00:25:42.420 --> 00:25:50.279

Lee Tien: Yeah, this is this is the with the Ff, and I just wanted to say that, you know I it has not been clear what the scope of

233

00:25:50.490 --> 00:25:51.290

Lee Tien: you know

234

00:25:51.910 --> 00:26:07.839

Lee Tien: selling say, I mean, we see this problem in general consumer privacy. How do you define sale? Right? You know, Ccpa and Cpr have present this. So I think it's really important to get it straight exactly what it means. I don't have a a clear position, because I'm not sure what the

235

00:26:08.410 --> 00:26:13.559

Lee Tien: what the Qiles are are thinking about doing with it from a research perspective. But

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00:26:13.580 --> 00:26:16.879

Lee Tien: it is. It is simply the case that you know the

237

00:26:17.730 --> 00:26:21.959

Lee Tien: the privacy and confidentiality implications of what

238

00:26:22.060 --> 00:26:37.009

Lee Tien: what is done depend very much on how how widely the the data, even if it's de identified, actually spreads, and the conditions under which it is possible to reidentify it. So you know. Presumably we all, you know, the

239

00:26:37.320 --> 00:26:52.180

Lee Tien: the group based certain thoughts about this on a an assessment of the risk from and said, Okay, we're definitely not going to allow sell sale. But what I am curious. I wanna make sure that the you know, we've all considered the

240

00:26:52.290 --> 00:27:08.499

Lee Tien: if there's an express understanding which I hadn't like grasp before, that the that some of the entities in the stack are are looking to. Provide this information sort of generally to researchers that does seem to change the

241

00:27:08.970 --> 00:27:16.169

Lee Tien: the the profile in terms of of what data is being made available. So I just wanna make sure that you know that

242

00:27:16.720 --> 00:27:22.399

Lee Tien: privacy, implications is taken account of and justified? Thanks.

243

00:27:23.580 --> 00:27:24.600

Courtney Hansen: thanks, Lee.

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00:27:25.700 --> 00:27:29.879

Courtney Hansen: I know we have some comments in the chat. Anyone else want to make

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00:27:31.080 --> 00:27:32.779

a comment before we move on.

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00:27:37.960 --> 00:27:51.030

Courtney Hansen: Alright. So in our public comment for privacy standards and security safeguards, we did receive some critical feedback that Cdi, while we required all participants to have

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00:27:51.160 --> 00:27:57.659

Courtney Hansen: policies and procedures for both privacy and security. We did not require that they be updated.

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00:27:57.990 --> 00:28:08.790

Courtney Hansen: So we are going to include a requirement that they be reviewed and updated. So the minimum requirement of folks need to look at it, make sure that they're still up to date and

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00:28:08.860 --> 00:28:10.889

Courtney Hansen: update them as necessary.

250

00:28:11.740 --> 00:28:19.310

Courtney Hansen: My question for all of you is, what should that frequency be? What is reasonable for the industry

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00:28:23.150 --> 00:28:26.929

Courtney Hansen: annually every 2, 3 years.

252

00:28:28.430 --> 00:28:33.690

Courtney Hansen: obviously as needed as laws change. But how often should folks be looking at it?

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00:28:41.770 --> 00:28:46.000

Courtney Hansen: I see, and annually is reasonable. Diana.

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00:28:48.010 --> 00:28:51.840

Diana Kaempfer-Tong: Hi, just for the for the

255

00:28:52.100 --> 00:28:57.100

Diana Kaempfer-Tong: departments in the, in the larger organizations, like Cdph.

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00:28:57.680 --> 00:29:08.720

Diana Kaempfer-Tong: little less frequently than annually, would be more reasonable, since we have so much it's not. It's not quite as simple. Since we have a little bit more bureaucracy we have to go through. To get

257

00:29:08.780 --> 00:29:15.740

Diana Kaempfer-Tong: things done so every other year or so would would be more reasonable for us to accomplish.

258

00:29:16.480 --> 00:29:18.520

Courtney Hansen: Thanks. Diana Mark.

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00:29:21.130 --> 00:29:28.150

Mark Savage: So so the proposed visi provisions to come may address a comment that I made, but I'll just raise it here. Since you're asking

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00:29:28.350 --> 00:29:34.740

Mark Savage: which is what happens between what's the state of of the policy

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00:29:35.150 --> 00:29:40.269

Mark Savage: before the update actually happens. So the issue I've raised is what happens when there's a

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00:29:40.560 --> 00:29:44.390

Mark Savage: PA that's in conflict with the policies and procedures, and

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00:29:44.670 --> 00:29:53.339

Mark Savage: seems to me that the policies and procedures should govern the the conflicting provision in the PA should not govern.

264

00:29:53.600 --> 00:29:57.829

and the fact that it hasn't been admitted yet shouldn't change that back. It's just that

265

00:29:58.020 --> 00:30:09.949

Mark Savage: it's sort of an administrative detail to update the BA. I'm wondering if anybody can speak to what we might hope to see in the privacy and security. Pnp, they come. Thank you.

266

00:30:11.640 --> 00:30:19.560

Courtney Hansen: Thanks. Mark. This question is actually specifically for the internal policies and procedures that we're requiring all organizations to develop.

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00:30:19.920 --> 00:30:30.619

Courtney Hansen: So all this is the requirement that if you're going to receive Hsi under the Dxf. then you need to develop privacy and security and policies and procedures

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00:30:30.880 --> 00:30:42.020

Courtney Hansen: and then update them review and update them. And so it's really about those internal policies and procedures rather than the Dxf policies and procedures. Devin.

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00:30:43.250 --> 00:30:51.560

Deven McGraw: yeah, it's good, you know, while it would be problematic if you had to make changes every year to your policies. It's

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00:30:51.810 --> 00:30:55.569

Deven McGraw: it feels like the expectation should be. Take a look at them

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00:30:55.670 --> 00:31:05.429

Deven McGraw: yearly and see if there are, is a need for any changes, and then, of course, it can be, you know, sort of annual, or in the event of a substantial change in

272

00:31:05.810 --> 00:31:17.969

Deven McGraw: and operations, or or you know, other policy changes that you might have to reflect on. It doesn't necessarily mean you have to change them every year, but the idea that they sort of sit on a shelf.

273

00:31:18.150 --> 00:31:24.710

Deven McGraw: and nobody even looks to see if they might need to be updated to reflect changes.

274

00:31:24.760 --> 00:31:26.990

Deven McGraw: you wouldn't necessarily

275

00:31:27.210 --> 00:31:33.169

Deven McGraw: want to go for too long. I don't know that a year is the magical magical number. But just just so.

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00:31:33.220 --> 00:31:47.710

Deven McGraw: Folks know that it's not an expectation to change your policies every year, but an expectation to review them and it not. And there should be a timeframe, I think, and also a trigger around, you know, sort of substantial change in

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00:31:47.870 --> 00:32:00.890

Deven McGraw: in in your own operations as an organization or or external change in the external environment, like a change in the in the, in these policies and procedures that would necessitate

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00:32:01.150 --> 00:32:03.569

Deven McGraw: that kind of review. If that makes any sense.

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00:32:04.690 --> 00:32:12.880

Courtney Hansen: Absolutely no, I agree. This is really about looking at your policies and procedures on a regular basis to make sure that they are updated

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00:32:13.550 --> 00:32:20.890

and Devin, since you were just speaking, I'm going to pick on you. I know you said that annual isn't the magic number.

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00:32:20.910 --> 00:32:31.179

Courtney Hansen: I think the other. Everyone's either saying annual or biannual. I mean, I have. I'm I'm an annual person, because I think when I was at Ocr we had an expectation that

282

00:32:31.370 --> 00:32:38.479

Deven McGraw: that that entities would regularly review them. And because the environment changes

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00:32:38.670 --> 00:32:40.619

Deven McGraw: fairly frequently in this space.

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00:32:40.760 --> 00:32:45.300

Deven McGraw: Having said that, you know, I can see some pushback in the in the comments.

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00:32:45.620 --> 00:32:49.389

Deven McGraw: you know it's it's

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00:32:49.460 --> 00:32:56.319

Deven McGraw: maybe taking a look at what Hipaa expects might might be a good way to kind of land this plane, but

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00:32:56.830 --> 00:33:06.559

Deven McGraw: it's just a requirement to take a look at them, not a requirement to actually change them every year. Just, it seems like there was some confusion in that regard.

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00:33:06.720 --> 00:33:11.869

Deven McGraw: I l'm ll believe, annually, is the right place to land, but I can see where folks

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00:33:11.940 --> 00:33:14.099

Deven McGraw: that's making folks some folks uncomfortable.

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00:33:16.740 --> 00:33:17.550

Courtney Hansen: Leet.

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00:33:20.590 --> 00:33:22.349

Lee Tien: I actually don't know how to

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00:33:22.520 --> 00:33:30.769

Lee Tien: how I did that. But what ll basically think that what Devin is saying is sort of what I was saying in the chat, which is sort of a combination of both, a

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00:33:31.260 --> 00:33:53.900

Lee Tien: sort of default. You look at things always look at things periodically, but at the same time if there are incidents, you know, maybe you had a breach, maybe a protocol that we thought was fine, actually is a problem. Maybe there's discovery that in your own system something went wrong that should that should at least

294

00:33:54.080 --> 00:34:03.360

Lee Tien: trigger. And and this is also, I guess, what Mark was saying so. I mean, I feel like the 3 of us were saying roughly the same thing that it should be both a default periodic

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00:34:03.440 --> 00:34:25.400

Lee Tien: review. And maybe you maybe it doesn't have to be. I have no opinion on annual Bianna, but it should include also that things, certain instance external internal trigger, a review. And so it's sort of punctuated by both a an expected default, and then also, and in case of need, that's all I wanted to say, Thank you.

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00:34:26.060 --> 00:34:28.059

Courtney Hansen: Thanks, Lee. John.

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00:34:31.440 --> 00:34:44.250

John Helvey: Yeah, I you know I agree with Devin annually is is what the standard should be absent. Change management, right? Anytime change management happens within organization.

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00:34:44.560 --> 00:34:54.419

John Helvey: It's just how how does this flow down to all the participants? you know, it's it's embedded into our kind of security practices as qhos.

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00:34:54.489 --> 00:35:01.969

John Helvey: I know it's embedded in health systems and in some of the larger facilities. But when you get down to the provider practices

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00:35:02.540 --> 00:35:11.589

John Helvey: and and smaller provider offices and social services. You know it. How? How do you articulate out what

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00:35:11.680 --> 00:35:15.190

John Helvey: is correct? Because every environment is, gonna be a little bit different.

302

00:35:15.890 --> 00:35:18.619

But at annual at a minimum.

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00:35:18.770 --> 00:35:23.940

John Helvey: And then I would recommend evolution from there. Yeah, should should it need be.

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00:35:25.920 --> 00:35:27.020

Courtney Hansen: Thanks, John

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00:35:29.030 --> 00:35:33.580

Courtney Hansen: Daniel, you still have your hand up. Is that a leftover hand, or do you have a new comment?

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00:35:37.050 --> 00:35:38.050

Diana Kaempfer-Tong: Leftover?

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00:35:38.980 --> 00:35:39.890

Courtney Hansen: Thanks

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00:35:40.980 --> 00:35:41.830

Courtney Hansen: alright.

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00:35:43.040 --> 00:35:44.680

Courtney Hansen: Any other comments?

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00:35:48.410 --> 00:35:53.490

Courtney Hansen: Okay, thank you. We appreciate it. Next slide

311

00:35:56.130 --> 00:36:02.459

Courtney Hansen: so for privacy and security we'll take this discussion that we've had for both.

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00:36:02.560 --> 00:36:08.160

Courtney Hansen: qh, ios charging fees for de-identified data, or, I'm sorry selling de-identified data

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00:36:08.740 --> 00:36:09.999
Courtney Hansen: and fees on the brain.

314
00:36:10.310 --> 00:36:17.329
Courtney Hansen: Selling de-identified data. And this conversation about how the periodic review of

315
00:36:17.380 --> 00:36:19.320
Courtney Hansen: policies and procedures back.

316
00:36:19.430 --> 00:36:31.969
Courtney Hansen: We'll consider it and incorporate those decisions into our final privacy and security policy and procedure which we hope to finalize and get out to folks. Very quickly.

317
00:36:32.720 --> 00:36:34.699
Courtney Hansen: quickly, by Government standards.

318
00:36:35.340 --> 00:36:39.680
Courtney Hansen: For the requirement to exchange. H. Ss, I

319
00:36:42.900 --> 00:36:44.759
Courtney Hansen: think this one is me, too.

320
00:36:46.050 --> 00:36:46.980
Courtney Hansen: So.

321
00:36:47.560 --> 00:36:54.939
Courtney Hansen: as you know, that this is the requirement for responsibilities, the participants to respond to the request for Hssi under the Dxf.

322
00:36:55.740 --> 00:36:58.460
Courtney Hansen: So after we received public comment

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00:36:58.490 --> 00:37:00.170

Courtney Hansen: we

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00:37:00.610 --> 00:37:07.579

Courtney Hansen: have made a few different changes. So for push exchange, we've added additional language

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00:37:07.610 --> 00:37:16.670

Courtney Hansen: that specifies that participants are required to actually provide Agsi to other participants according to the methods outlined in technical requirements.

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00:37:18.490 --> 00:37:33.310

Courtney Hansen: This is in response to stakeholder concern regarding the receipt of unsolicited information. Additional link written response. That additional language. That's 5 circumstances in which participant is not required to provide. Hssi.

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00:37:33.700 --> 00:37:45.440

Courtney Hansen: was also added. Then we looked at partial data additional language that clarifies that the recipient of a request is only responsible for providing, Hsi requested.

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00:37:45.540 --> 00:37:57.039

Courtney Hansen: that is already in the in its possession. So this covers cases in which a recipient of the request may only have some or partial elements of the information requested.

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00:37:59.140 --> 00:37:59.980

Courtney Hansen: And

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00:38:00.280 --> 00:38:02.919

for we've added

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00:38:03.910 --> 00:38:09.489

Courtney Hansen: information blocking exceptions. Language that clarifies

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00:38:10.070 --> 00:38:17.890

Courtney Hansen: that the information blocking exceptions are permissive. Nothing in the pmp requires that you actually use them.

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00:38:18.290 --> 00:38:21.680

Courtney Hansen: you know, an absence of applicable law.

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00:38:23.250 --> 00:38:38.590

Courtney Hansen: and then a requested restriction language that clarifies that the Pnp. Does not require a participant to grant an individual's request for restriction on the access, using disclosure of their H. Ss, I. So there was language in there that just send it a a little bit confusing. So we've clarified

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00:38:39.090 --> 00:38:41.090

Courtney Hansen: that language as well.

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00:38:43.850 --> 00:38:50.820

Courtney Hansen: And with those changes we are finalizing and hoping to release that

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00:38:51.000 --> 00:38:57.310

Courtney Hansen: the requirement exchange. Hsi, P. And P. Very soon as well.

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00:38:59.370 --> 00:39:03.429

Courtney Hansen: any questions on any of the policies and procedures.

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00:39:08.010 --> 00:39:18.860

Lee Tien: this is Lee. I was out for the summer on a leave, but and so I was not here for some of this. But is it very clear, then.

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00:39:19.070 --> 00:39:21.110

Lee Tien: what I'm concerned about is that

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00:39:21.190 --> 00:39:28.060

Lee Tien: individuals, whether individuals have have good solid clarity on what they are

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00:39:28.580 --> 00:39:42.170

Lee Tien: entitled to in terms of requesting restrictions. What they're not entitled to, I mean, you know, on, if an individual wants a restriction is like, Yeah, you can't, you can't have it. Do they understand? Do they really understand what's going on there?

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00:39:42.350 --> 00:39:44.089

Lee Tien: That that was sort of my concern.

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00:39:46.370 --> 00:39:49.240

Courtney Hansen: Thanks, Lee. This is really limited.

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00:39:49.460 --> 00:39:54.370

Courtney Hansen: you know, whether an entity has to grant

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00:39:55.100 --> 00:39:56.390

participants.

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00:39:56.690 --> 00:40:04.999

Courtney Hansen: An individual's request for restriction is set in applicable law. Our. This Pnp was really just discussing

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00:40:05.160 --> 00:40:13.920

Courtney Hansen: whether you had to exchange information that has a restriction on it that a

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00:40:14.510 --> 00:40:27.379

Courtney Hansen: individual has placed and the entity has agreed. So there is a restriction on that information from being shared, then it does not need to be shared. So the in this pnp, it's extremely limited.

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00:40:28.090 --> 00:40:35.049

Courtney Hansen: you can take a look at our individual access. Pnp, but a lot of this is in applicable law.

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00:40:35.310 --> 00:40:36.450

Lee Tien: Okay? Thanks.

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00:40:36.790 --> 00:40:39.090

Courtney Hansen: Sure. Steven.

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00:40:40.180 --> 00:40:47.009

Steven Lane: The the note on requested restrictions. Does that refer specifically to

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00:40:47.090 --> 00:40:56.440

Steven Lane: hipaa and individuals rights under hipaa to request restrictions? Or is, does the scope of this different?

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00:40:57.200 --> 00:41:00.679

Courtney Hansen: The so the scope of this is really limited to

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00:41:00.740 --> 00:41:09.359

Courtney Hansen: just clarifying that you don't that an a person does not need to exchange Hsi. If

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00:41:09.920 --> 00:41:32.379

Courtney Hansen: so, I think it previously said, if an individual has requested a restriction. I think we've added language that says, if an individual but an individual has requested, and the entity has placed or place a restriction so just clarifies that there's nothing in the Pnp that's requiring participants to grant every request for restriction.

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00:41:32.700 --> 00:42:09.069

Steven Lane: Okay, very, very limited. That sounds consistent with hipaa, as as stated. It is worth noting for those of you who are not following this closely is that the O. Nc. In their HTI. One proposed rule proposed, including specificity around the technical requirements for individually requested restrictions under hipaa and that final rule is now in in review, and we're anticipating it shortly. So I think when that comes out it'll be worthwhile to go back and and review

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00:42:09.070 --> 00:42:18.020

Steven Lane: these pnps in in light of of that new. Those new requirements which you know will go into effect over the next couple of years.

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00:42:18.870 --> 00:42:24.470

Courtney Hansen: Absolutely and as always, as new laws are passed, new regulations are

361

00:42:24.630 --> 00:42:31.099

Courtney Hansen: implemented, this group will convene and review and see if changes need to be made to

362

00:42:31.370 --> 00:42:34.540

Courtney Hansen: our policies and procedures to stay consistent with applicable Law.

363

00:42:37.580 --> 00:42:40.899

Courtney Hansen: Alright! Any other questions

364

00:42:44.010 --> 00:42:45.410

Courtney Hansen: next slide.

365

00:42:50.430 --> 00:42:52.169

Helen Pfister: I think it's over to me

366

00:42:52.430 --> 00:42:56.830

Courtney Hansen: perfect. You guys get it to listen to someone else. Talk for a bit. Thanks, Ellen.

367

00:42:57.090 --> 00:42:59.049

Helen Pfister: Great thanks next slide, please.

368

00:42:59.940 --> 00:43:11.449

Helen Pfister: So Courtney alluded to this earlier. So Cdi has continued to get questions about the circumstances under which participants can charge fees for the exchange of data under the under the Dh dhsf

369

00:43:11.750 --> 00:43:18.370

Helen Pfister: and in light of this thinks there's an opportunity to clarify the Dx policy on charging fees.

370

00:43:18.540 --> 00:43:33.530

Helen Pfister: And currently there are 3 pmps that have language with regard to charging of fees. And they are they. They. They need some clarity and some consistency. The first one is the permitted, required and prohibited purposes. Pmp.

371

00:43:33.620 --> 00:43:37.860

Helen Pfister: Which is finalized in the summer of 2,022. So

372

00:43:38.100 --> 00:43:45.390

Helen Pfister: coming up on a year and a half. Now, at this point, and that basically states that participants cannot charge fees to other participants

373

00:43:45.430 --> 00:43:56.459

Helen Pfister: for any exchange of information under the Dsa, except that a Qio can charge fees to participants who engage in data sharing activities through the qio. That's sort of like one fees provision

374

00:43:56.860 --> 00:44:02.590

Helen Pfister: the individual access services. Pmp. Which is also published the summer of 2,022

375

00:44:02.710 --> 00:44:14.599

Helen Pfister: states that a participant can charge other participant fees for Phi or pi, that's in chain, exchange, and furtherance of individual access, of providing individual access to information to their own information.

376

00:44:15.010 --> 00:44:19.410

Helen Pfister: And then, finally, there is the California information blocking provision's Pmp.

377

00:44:19.530 --> 00:44:29.489

Helen Pfister: Which is finalized this past summer just a few months ago. And that says that, notwithstanding the fees exception and the Federal information blocking regulations.

378

00:44:29.820 --> 00:44:38.330

Helen Pfister: A participant can charge another participant fees for access to information for a required purpose under the Dsa. And its Pmps.

379

00:44:38.430 --> 00:44:41.959

Helen Pfister: But a participant that's sent health information exchange.

380

00:44:42.050 --> 00:44:59.210

Helen Pfister: a health information network or a health. It developer of certified health. It the terms from from the information blocking Federal information blocking rule may charge other participants fees for its services, provided that those fees are consistent with the fees. Exception in the Federal information, blocking rules

381

00:44:59.300 --> 00:45:04.410

Helen Pfister: as well as individual access services. P. And P. And the permitted required prohibited purposes. Pmp.

382

00:45:04.580 --> 00:45:17.970

Helen Pfister: these aren't all necessarily consistent with each other. I think there's some issues to discuss in term deciding like what an appropriate fee policy is. And so that is what going to spend the next few minutes of this meeting discussing.

383

00:45:18.110 --> 00:45:26.140

Helen Pfister: So let me turn it over to Cindy Barrow to start to walk us through what our thinking is, and get your feedback on how that what this should look like

384

00:45:26.510 --> 00:45:27.400

Helen Pfister: city.

385

00:45:27.950 --> 00:45:50.880

Cindy Bero: Thanks, Helen. Steven. I see your hand up. I don't know if there's a question that you want to post now there is, and maybe if I put it on the table it would it would could be addressed in in your comments, or quickly looking at the the first 2. So if A. Q is supporting individual access services, it says that there can't be a charge

386

00:45:51.000 --> 00:45:59.959

Steven Lane: for to the participant. Does that include potential fees for exchange between the Qh. los.

387

00:46:00.720 --> 00:46:11.989

Helen Pfister: though that's a very good question. So the proposal here is going to be to take all of these provisions that you see on this slide out of those Pmps and set up have a separate Pnp. Addressing fees.

388

00:46:12.110 --> 00:46:22.010

Helen Pfister: And so the question just raised even is one of the ones that we're going to need to address and figure out how to reflect in that. Pmp, so that's one of the things we'll discuss in in the next part of this of this meeting.

389

00:46:22.350 --> 00:46:23.290

Steven Lane: Thank you.

390

00:46:25.170 --> 00:46:27.850

Cindy Bero: Great. So why don't we move to the next slide?

391

00:46:29.610 --> 00:46:40.990

Cindy Bero: So, as Helen outlined one of the the recommended approach here is to eliminate the references to fees in those other pmps, because the language isn't

392

00:46:41.020 --> 00:46:54.460

Cindy Bero: maybe as clear as we would like, and and in some places could be conflicting. Remove the language from those Pmps as part of an administrative amendment to the Pnp. And then publish a separate independent

393

00:46:54.630 --> 00:47:13.439

Cindy Bero: policy and procedure around fees and that the target would be to publish that you know, policy relatively quickly, to get it ready for release in the fourth quarter and publish it prior to the start of of exchange on January 30 first.

394

00:47:14.430 --> 00:47:34.670

Cindy Bero: So if we go to the next slide, we can sort of start to outline what the this policy and procedure may have within it in terms of core concepts. This is not the language that would be found necessarily in that policy and procedure. But it's really an opportunity to hear from you as the subcommittee members on the

395

00:47:34.920 --> 00:47:47.160

Cindy Bero: on. Whether or not these concepts. Reflect. You know what what we think the data exchange framework should should enforce. So the first one this first

396

00:47:47.360 --> 00:47:50.859

Cindy Bero: set of slides as 2 slides. The first one

397

00:47:51.000 --> 00:48:19.509

Cindy Bero: really separates out required purposes versus permitted purposes. So, as you know, we have a required permitted and prohibited purposes. P. And P. That talks about the reasons for sharing data. A set of those are required purposes, treatment, payment, healthcare operations, public health activities. So when it is a required purpose. We are saying in this concept that a participant may not charge fees to another participant

398

00:48:19.510 --> 00:48:23.350

Cindy Bero: for data exchange for a required purpose, except

399

00:48:23.690 --> 00:48:41.900

Cindy Bero: a participant who's an intermediary, which would of course, include the QH. Ios, but not be limited to the qos. May charge another participant with whom they have a contract for the exchange services that helps that participant meet their Dsa obligations.

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00:48:42.360 --> 00:48:51.310

Cindy Bero: That was a really long sentence. So let me pause on the required and see if that is consistent with what the subcommittee

401

00:48:51.350 --> 00:48:58.699

Cindy Bero: thinks, the the charging of fees between participants for required purposes should be

402

00:49:06.110 --> 00:49:10.270

Cindy Bero: okay. I'm taking no comment as support. So I'm going to move on.

403

00:49:10.810 --> 00:49:15.930

Cindy Bero: Let's talk about permitted. Okay, Morgan.

404

00:49:15.970 --> 00:49:21.839

Morgan Staines: Yeah. Now that you claim I agree

405

00:49:23.640 --> 00:49:25.579

Morgan Staines: now, does.

406

00:49:26.310 --> 00:49:40.159

Morgan Staines: is, is there? Is there in the the second 2 thirds of that sentence? Is there a category of intermediators, intermediaries? Rather the the are not qhos.

407

00:49:40.200 --> 00:49:46.289

Morgan Staines: or could we, or could we just say this, this wasn't intended to prevent qh ios for being paid for what they do

408

00:49:47.680 --> 00:50:00.949

Cindy Bero: of I would say the category of intermediary includes QH. ios. But it also includes other intermediaries who are providing services to a client to help them meet their data, exchange

409

00:50:01.030 --> 00:50:23.330

Cindy Bero: obligations. You don't have to be a QHIO. To assist someone in meeting their Dsa obligations. We think it's a great idea to be a QHIO. Because you've, you know, demonstrated to the to signatories that you have all those capabilities. But but it is, you know, providing support services to help someone meet their Dsa obligations is not limited to QH. ios.

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00:50:23.680 --> 00:50:24.930

Cindy Bero: Does that make sense?

411

00:50:25.760 --> 00:50:32.480

Cindy Bero: And that could Cindy include other HI. O's that didn't happen to get the cue. Correct, correct, absolutely.

412

00:50:33.040 --> 00:50:46.279

Cindy Bero: Absolutely. The important thing is, if you're an organization that provides services to someone, a participant to help them meet their Dsa obligations, you're allowed to charge them a fee.

413

00:50:46.410 --> 00:50:49.929

Cindy Bero: It is it? But participants

414

00:50:50.080 --> 00:50:58.049

Cindy Bero: who are not intermediary should not be charging another participant for the exchange of data for required purposes.

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00:51:01.040 --> 00:51:02.120

Cindy Bero: Okay.

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00:51:02.720 --> 00:51:05.499

Cindy Bero: so let's let's move on to

417

00:51:06.000 --> 00:51:21.350

Cindy Bero: permitted purposes. So permitted purposes are those that are not required, but also not prohibited. And here the the concept is that a participant may charge fees to another participant for the exchange of data

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00:51:21.450 --> 00:51:26.390

Cindy Bero: for a permitted purpose. As long as that is

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00:51:26.680 --> 00:51:33.079

Cindy Bero: consistent and permissible under applicable Law and the California information blocking

420

00:51:33.420 --> 00:51:39.009

Cindy Bero: prohibitions, policy and procedure. So as long as you're consistent with other regulations.

421

00:51:39.140 --> 00:51:43.769

Cindy Bero: if it's a permitted purpose. a participant can charge another participant.

422

00:51:46.600 --> 00:51:51.370

Cindy Bero: Let me pause and see if there are any questions or comments.

423

00:51:56.720 --> 00:52:00.409

Cindy Bero: Okay, so let's move on to the second slide.

424

00:52:01.190 --> 00:52:15.980

Cindy Bero: This is around individual access. So we've talked about, permitted and required. This is individual access. So a participant, including intermediaries, may charge fees to an individual

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00:52:16.160 --> 00:52:18.510

Cindy Bero: for their access to their data

426

00:52:18.780 --> 00:52:41.349

Cindy Bero: to the extent permissible under applicable Law. So me as an individual, if I, you know, go to someone and ask for a copy of my record. There is a there's a applicable law that allows a fee to be charged and and whether I'm going to a participant or an intermediary, that fee can be charged

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00:52:45.340 --> 00:52:51.329

Cindy Bero: alright. And then the second bullet here, says

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00:52:51.430 --> 00:53:03.059

Cindy Bero: a participant, may not charge fees to another participant in support of individual access. except a participant who is an intermediary, may charge

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00:53:03.260 --> 00:53:09.889

Cindy Bero: another participant with whom they have a contract in place to help that participate. Meet their DSA. Obligations.

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00:53:14.840 --> 00:53:18.829

Jonah Frohlich: Cindy. There's a question from Mark or a comment

431

00:53:19.510 --> 00:53:20.310

Cindy Bero: mark.

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00:53:20.850 --> 00:53:31.520

Mark Savage: So just want to check, and not not being able to see the final language. But the the general default is under Federal standards, is it? The individual will not be charged

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00:53:31.690 --> 00:53:32.670

Mark Savage: for

434

00:53:33.010 --> 00:53:40.860

Mark Savage: access, and so a a provision that says, you may charge for access to the extent permissible under apple seems to

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00:53:40.880 --> 00:53:47.110

Mark Savage: just in that wording seems to skew towards an expectation of charging for something.

436

00:53:47.400 --> 00:53:53.879

Mark Savage: And You could write the same. This sort of the same bullet is to say.

437

00:53:54.520 --> 00:53:56.649

participant may not charge

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00:53:57.320 --> 00:54:03.270

Mark Savage: for an individual for access unless allowed under applicable Law, and that might

439

00:54:03.650 --> 00:54:07.330

Mark Savage: send out the messaging in a different way. Thank you.

440

00:54:07.760 --> 00:54:18.529

Cindy Bero: Thank you that I mean that, as you pointed out this, these are con concepts right now, and not final language. We will be working on final language. So I appreciate that.

441

00:54:18.650 --> 00:54:42.469

Cindy Bero: and I am not an expert on Federal law by any means but I do believe that there is a potential to charge, but the charge is usually, for, you know, copying and postage fees. That kind of thing if you go and ask someone for your record. Mark, is that consistent with your understanding, or you? Are you reflecting something else?

442

00:54:43.220 --> 00:54:51.289

Mark Savage: No, I think there. There are some specific provisions, but the the overall expectation is, individuals are have access at no cost.

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00:54:52.500 --> 00:54:53.270

Mark Savage: So

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00:54:53.830 --> 00:55:03.530

Mark Savage: I'm just. My comment is to try to preserve that overall understanding. And if there is some particular, you know, exception to that.

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00:55:03.540 --> 00:55:05.940

Mark Savage: So be it.

446

00:55:07.310 --> 00:55:13.220

Cindy Bero: But we don't want to confuse things. Okay, no, definitely, not definitely not. Okay. Thank you. Stephen.

447

00:55:13.780 --> 00:55:26.529

Steven Lane: Yeah. I raised the question earlier, and I don't think it's been directly addressed here. Which is what about fees between the intermediaries?

448

00:55:26.580 --> 00:55:34.220

Steven Lane: Yeah, has that specifically been been contemplated? I. My understanding of the

449

00:55:34.610 --> 00:55:53.720

Steven Lane: the the Federal rules is that again, individuals should be able to access their data without without a directed fee, but that the intermediaries in the chain, you

know, may may have fees moving between them. So an individual goes to, you know, a patient facing app.

450

00:55:53.720 --> 00:56:13.070

Steven Lane: that app is gonna then access a queue in which is gonna then make queries. So there, there are fees up the chain, even though the individual themselves may be protected from those. So we're trying trying to understand about fees potentially between queue hios as part of this.

451

00:56:16.110 --> 00:56:18.069

Courtney Hansen: Okay, but.

452

00:56:18.910 --> 00:56:20.090

Cindy Bero: Courtney, go ahead.

453

00:56:20.560 --> 00:56:29.449

Courtney Hansen: Stephen. In the that case, would those fall under contracts for services, or those just in acting as a like a queue hire.

454

00:56:31.160 --> 00:56:36.620

Steven Lane: I guess I'd I'd be interested in in both both versions.

455

00:56:38.070 --> 00:56:47.620

Courtney Hansen: So I do think that part of the concept here. Was not for participants, not intermediaries to be able to charge for services.

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00:56:48.050 --> 00:56:56.930

Courtney Hansen: That includes from one intermediary to another intermediary. So if you're contracting with another intermediary for services that would be permitted.

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00:56:57.020 --> 00:57:00.950

Courtney Hansen: And I think the proposal is that other things would not be permitted.

458

00:57:02.370 --> 00:57:08.759

Steven Lane: Okay? So so by contract. Yeah, to Devin's Point. In in the Federal schema.

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00:57:08.780 --> 00:57:13.550

Steven Lane: The the Q. Hins can charge their participants

460

00:57:13.790 --> 00:57:20.189

Steven Lane: for for services, but they can't charge one another. And here.

461

00:57:20.610 --> 00:57:28.149

Steven Lane: yo, we should just see that we should either be consistent or we should be clearly inconsistent. But but we should make that clear.

462

00:57:31.360 --> 00:57:42.730

Steven Lane: I mean so a. Q. Ohio, who's facilitating this exchange, you know. Similarly, you know, within California, similarly, to how qin would do that in nationally

463

00:57:43.060 --> 00:57:47.289

Steven Lane: the queue hios, do have the opportunity to charge their participants

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00:57:47.430 --> 00:57:49.970

Steven Lane: for for these services

465

00:57:53.440 --> 00:57:56.850

Courtney Hansen: you have a proposed

466

00:57:57.210 --> 00:58:01.310

Courtney Hansen: way that you would like us to go on this

467

00:58:01.690 --> 00:58:08.569

Steven Lane: I mean being consistent with the Federal approach would, you know, would be the simplest, so that people don't have to, you know.

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00:58:08.990 --> 00:58:17.960

Steven Lane: keep track of of the of differences, if they're not, you know, meaningful. Again, I support the idea that the individual themselves

469

00:58:18.040 --> 00:58:39.850

Steven Lane: should only be charged fees permissible under apple, and, as Mark pointed out, those those are going to be, you know, small to absent. But I think a as you know, as John was saying earlier. You know there are costs involved in providing these services, and if we want these services to be available in the marketplace, you know those costs have to be made up somewhere.

470

00:58:42.450 --> 00:58:52.929

Courtney Hansen: Stephen, I think we're trying to gather we're proposing some concepts for everyone to react to and tell us whether this is the right direction or not. So

471

00:58:53.320 --> 00:58:55.859

Courtney Hansen: we'll take that into consideration.

472

00:58:56.080 --> 00:59:20.540

Cindy Bero: I think the other. Yeah, I was. Gonna say, the other challenge I you know in in this is that not all intermediaries or Qhis, they're not. All, you know, have been through a process where it's confirmed that they have all the the capabilities necessary, so we'll have to think about the instance where an intermediary is not a Qh. In this in drafting this language.

473

00:59:21.390 --> 00:59:30.600

Steven Lane: and some intermediaries aren't participants, either they were not required to sign the Dsa.

474

00:59:30.940 --> 00:59:43.730

Cindy Bero: So there is some nuances here that are a little different than the the Tepca queue in setup, and we'll just have to think through those as we draft. This is very helpful, very helpful, to raise these points.

475

00:59:45.090 --> 00:59:54.360

Cindy Bero: Any other feedback or comments on the fees issue. Because I think this is our final slide.

476

00:59:55.410 --> 01:00:17.850

Steven Lane: Just another comment that you know, one of the benefits of being consistent with with the Federal rules is that you know, people, you know, at least in some cases, will be using the same intermediaries, for you know, intrastate and interstate. las requests and having them all follow similar rules would would be very beneficial in that setting.

477

01:00:18.190 --> 01:00:22.079

Cindy Bero: I totally agree. Jonah, did you want to say something?

478

01:00:22.640 --> 01:00:26.880

Jonah Frohlich: Yeah. Just in response to both. Steven, your

479

01:00:26.890 --> 01:00:33.760

proposal to align with Federal rules, requirements including, I would expect, what

480

01:00:34.320 --> 01:00:49.419

Jonah Frohlich: the cue hands are allowed required responsible for doing. and Devin's comment about whether queens can charge fees to another. If not mistaken. I may be queens can't charge each other for transactions. There's an obligation to reciprocate.

481

01:00:49.520 --> 01:00:56.530

Jonah Frohlich: But they can still charge their customers say, for joining, for participating in network. Is that an accurate statement?

482

01:00:57.850 --> 01:00:58.730

Deven McGraw: Yes.

483

01:01:05.720 --> 01:01:06.400

Jonah Frohlich: yes.

484

01:01:09.990 --> 01:01:14.530

Jonah Frohlich: okay, good. I mean, it sounds like we should look and try to align with that as much as possible.

485

01:01:16.270 --> 01:01:22.000

Cindy Bero: Great as usual, terrific feedback. Thank you, and I'll turn things back to Courtney

486

01:01:26.460 --> 01:01:28.060

Courtney Hansen: alright. Next slide.

487

01:01:29.310 --> 01:01:32.100

Courtney Hansen: I think this actually goes to brim.

488

01:01:33.820 --> 01:01:37.210

Rim Cothren, CDII CalHHS: Thank you, Courtney. Let's go on to the next slide

489

01:01:38.310 --> 01:01:49.460

Rim Cothren, CDII CalHHS: just real quickly. I wanted to recap a very good and robust conversation that we had at our last meeting about the Participant Directory. Pnp.

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01:01:49.500 --> 01:02:11.429

Rim Cothren, CDII CalHHS: what we heard then, is that participants should be the organizations that are authoritative for entering their own choices in the networks, hios, or technologies that they will use to provide access to an exchange. I have Hsi. We talked briefly about whether there should be the capability

491

01:02:11.560 --> 01:02:37.840

Rim Cothren, CDII CalHHS: to delegate that responsibility to, for instance, their intermediary, and I think we ultimately determined that that was not necessary. Given that there wasn't much in the way of technical detail that needed be included there. We talked at some length about what information on the choices that participants have made needs to be entered.

492

01:02:38.580 --> 01:02:56.700

Rim Cothren, CDII CalHHS: we acknowledge that most participants will choose to use an intermediary, but not everyone will that some may need to be allowed to specify their choice of point to point connections using their own technology. So the Participant Directory needs to allow for that

493

01:02:56.730 --> 01:03:07.699

Rim Cothren, CDII CalHHS: they must be allowed to choose different entities for different types of exchange, for example, in responding to request for information

494

01:03:07.780 --> 01:03:23.770

Rim Cothren, CDII CalHHS: providing notifications of adt events, or receiving information subsequent to an order or referral. They may choose to use different intermediaries for those different types, and they need to be allowed to do that.

495

01:03:24.330 --> 01:03:35.790

Rim Cothren, CDII CalHHS: they should not include the technical details, such as endpoint Urls or certificates. We talked about the security risk of associated with that

496

01:03:35.950 --> 01:03:50.720

Rim Cothren, CDII CalHHS: and agreed that that should not be required should not be necessary, and was more likely to lead to error. Instead, we would rely on the authoritative sources of that information, not on the Directory to give that

497

01:03:51.170 --> 01:04:09.199

Rim Cothren, CDII CalHHS: and then we talked some about who may access information on choices, and I wanna acknowledge here that there was some concern that access to the information by non participants might present a security risk. But I will say that this was a conversation that continued in the days following

498

01:04:09.220 --> 01:04:28.860

Rim Cothren, CDII CalHHS: our last meeting, and the information that we're at least proposing in the Pnp to collect is all limited to business choices and business information, and we're proposing that it be provided publicly and not be restricted.

499

01:04:30.160 --> 01:04:37.409

Let me pause there for just a second and see if anybody believes that I misrepresented any of our prior conversation.

500

01:04:42.570 --> 01:04:44.559

Rim Cothren, CDII CalHHS: Okay, let's go on to the next slide.

501

01:04:46.420 --> 01:05:06.730

Rim Cothren, CDII CalHHS: So a couple of things, and then we will run through the language in the Pnp. During this meeting couple of things just to kind of level set so that you know what to expect. The Participant Directory is defined in the Pnp to actually comprise 2 different things, a listing, and you will see many places where it talks about the Participant Directory listing.

502

01:05:06.980 --> 01:05:31.970

Rim Cothren, CDII CalHHS: and the listing is the Directory is a a file. That we would post that lists, all of the participants and the choices they've made. But it's also an application that participants will use to enter and update their choices, and our intent is to leverage the Dsa signing portal, at least in this initial phase of the Participant Directory.

503

01:05:33.580 --> 01:05:42.500

Rim Cothren, CDII CalHHS: and so what it establishes is a list that includes a number of different things, and we'll go into this in a little bit more detail coming up.

504

01:05:42.650 --> 01:05:50.150

Rim Cothren, CDII CalHHS: But certain information is included in the Participant Directory listing. That is, the names the participants

505

01:05:50.190 --> 01:05:52.480

as they're listed on the Dsa

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01:05:52.600 --> 01:06:03.840

Rim Cothren, CDII CalHHS: that includes both parent organizations that sign the Dsa. And any subordinate organizations that they listed on the Dsa, all of which are participants under the definition of a participant.

507

01:06:03.980 --> 01:06:20.340

Rim Cothren, CDII CalHHS: a unique identifier that's assigned by the Participant Directory. So that is not a license number. It's not an Npi. And the main reason for that is that, first of all, it's a immutable Id that follows the participant

508

01:06:20.340 --> 01:06:36.280

Rim Cothren, CDII CalHHS: and identifies them as a signatory that is subject to the the pnp. But we've also found that the entry of license numbers eins, etc. in the signing portal is really fraught with error. So we did not want to adopt.

509

01:06:36.620 --> 01:06:41.240

Rim Cothren, CDII CalHHS: ids of any kind that participants are putting in.

510

01:06:41.840 --> 01:06:44.479

Rim Cothren, CDII CalHHS: and then we're asking them to specify

511

01:06:44.560 --> 01:06:47.879

Rim Cothren, CDII CalHHS: choices for how to submit. 3 things.

512

01:06:47.970 --> 01:06:54.000

Rim Cothren, CDII CalHHS: request for information. If you want information from me, how do you contact me to request that information

513

01:06:54.320 --> 01:07:02.670

Rim Cothren, CDII CalHHS: information delivery. If you want to send me HS Si, ho! How do you send information to me?

514

01:07:02.770 --> 01:07:13.239

Rim Cothren, CDII CalHHS: And third rosters for notifications? If you want to receive notifications for adt events. Where do you send the roster patients for which you want to receive those events?

515

01:07:14.010 --> 01:07:30.540

Rim Cothren, CDII CalHHS: We would include technical contacts and certain circumstances where it's necessary as most not. Most importantly, going to be if the choice is to use a participant's own technology as opposed to a nationwide network, a. QH. I/O. Or another other intermediary.

516

01:07:30.820 --> 01:07:35.279

and whether the participant is exercising it's right.

517

01:07:35.930 --> 01:07:41.740

Rim Cothren, CDII CalHHS: under ab. 133, to delay exchange until 2026.

518

01:07:42.010 --> 01:07:46.509

Rim Cothren, CDII CalHHS: If it is a voluntary signatory that is choosing to terminate the Dsa

519

01:07:46.710 --> 01:08:07.919

Rim Cothren, CDII CalHHS: or to ceasing casing operations. And in these 3 cases our proposal is that we don't remove them from the Directory, but we flag them is no longer active, neither not yet active, because they're choosing to not exchange until 2026, or no longer active because they terminated the Dsa. Or CC. Operations.

520

01:08:09.050 --> 01:08:21.060

Rim Cothren, CDII CalHHS: The Pmp. Then calls out, who can access the application and the listing, and how often the listing is to be updated who must enter choices in the Participant Directory application

521

01:08:21.310 --> 01:08:30.500

Rim Cothren, CDII CalHHS: and obligations to update those choices. Let me pause there for a second, and see if there are any questions before we dive into the language.

522

01:08:33.540 --> 01:08:35.270

Rim Cothren, CDII CalHHS: Yes, Sanjay.

523

01:08:35.560 --> 01:08:53.159

Sanjay Jain: good morning. I have couple of questions. So one question I have. If if a participant is connected to multiple Qh. los, then should that participant mention all qh, ios detail in Participant Directory or choose just one.

524

01:08:53.370 --> 01:09:18.709

Rim Cothren, CDII CalHHS: I think that's a good question. That I would personally like some feedback on. I think our intent is that an organization would list their preferred method. But that may not be appropriate. So I'm interested in people's input here. If if it is better to list multiple options, if you support multiple options, or just a preferred option.

525

01:09:22.109 --> 01:09:27.399

Rim Cothren, CDII CalHHS: I don't know, Sanjay, if you have a preferred choice there, since you raised the issue.

526

01:09:29.720 --> 01:09:43.560

Sanjay Jain: Sure. So I wanted to just find out if there is it. There is an option to enter multiple QH. Or not. But yeah, I would like to hear more on the group, and I have one more question if I, if I may

527

01:09:44.939 --> 01:09:46.190

Rim Cothren, CDII CalHHS: sure go ahead.

528

01:09:46.490 --> 01:10:02.059

Sanjay Jain: So I just wanted to run through a scenario. Let's say, participant. A wants to get the information or wants to request the information from Participant B. Participant A is not connected to QHIO. But Participant B. Is connected to QHIO.

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01:10:02.170 --> 01:10:11.430

Sanjay Jain: So participant A should go to QHIO. To get the information from Participant B, or they should directly

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01:10:11.690 --> 01:10:14.370

Rim Cothren, CDII CalHHS: reach out to participant B,

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01:10:14.650 --> 01:10:35.409

Rim Cothren, CDII CalHHS: so we'll talk a little bit more about the the scenarios that might be supported here. But, our expectation is that most participants will use the nationwide network, a Qh I/O or another intermediary, and that means that, for instance, if participant A is on E health exchange

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01:10:35.410 --> 01:10:54.050

Rim Cothren, CDII CalHHS: and needs to get information from Participant B, that's on a. Qh, I/O. You may recall that qh, ios required to participate in a nationwide network, and therefore there is a path from a participant, A on ehe health exchange to participate. B in a Qh. I/O,

533

01:10:54.050 --> 01:11:04.940

and that's the reason for the Directory is to say, if you want information from me, you contact this qh, I/O or you contact me on Ehealth exchange, etcetera.

534

01:11:06.490 --> 01:11:25.399

Rim Cothren, CDII CalHHS: Okay. So qh. Are required to send that information to participant A, even if participant is not connected with qh.

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01:11:27.370 --> 01:11:32.550

John Helvey: yeah. Just commenting on Sanjay's question, first question.

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01:11:32.920 --> 01:11:42.029

John Helvey: I don't think there should be a listing a. As a preferred, or whatever I think it should be. If you're connected to a Qa. O.

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01:11:42.420 --> 01:11:44.830

John Helvey: Or multiple QH. los

538

01:11:44.970 --> 01:11:47.929

John Helvey: or HIE.

539

01:11:48.190 --> 01:11:57.250

John Helvey: Then you should list that out there because there are geographical regions. There's community depth reasons of why organizations are connected

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01:11:57.260 --> 01:12:05.910

John Helvey: or could be connected to multiple Hivos for different levels of services. I think it should. He clearly just put out there that

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01:12:06.670 --> 01:12:12.569

John Helvey: you know we as a participant. This is how we participate. This is how we share data and what we share.

542

01:12:13.330 --> 01:12:16.510

Rim Cothren, CDII CalHHS: Thanks for that, John, Steve. And I see your hand up as well.

543

01:12:17.020 --> 01:12:29.269

Steven Lane: Yeah, I mean, I think this may be another opportunity for us to align with what's happening at the Federal level. I think many people may be aware that the first draft of Tefka.

544

01:12:29.350 --> 01:12:49.150

Steven Lane: which you know, is likely to go into effect before the end of the year. Requires that that all participants connect only through a single QAO. But it's been stated publicly that with the second version of Tefka anticipated next year that

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01:12:49.400 --> 01:13:05.669

Steven Lane: a single business entity that has multiple technology solutions will likely be able to list each of those solutions independently. But there's been a big focus on trying to avoid having confusion with multiple listings

546

01:13:05.670 --> 01:13:30.040

Steven Lane: of for the same technology that that has data to be shared. So we might want to take that similar approach. I mean you. You sort of said earlier that well, you could be connected to multiple to Hos. But that can make the Directory very challenging when people are trying to find data on a patient. I mean, I think that model of having

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01:13:30.300 --> 01:13:31.560

Steven Lane: each

548

01:13:31.730 --> 01:13:40.130

Steven Lane: repository of information listed at at a single location instead of through multiple, might be something we wanna explore.

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01:13:40.290 --> 01:13:42.940

Rim Cothren, CDII CalHHS: Thanks, Steven. Jason. I see your hand up.

550

01:13:44.230 --> 01:13:48.090

Jason Buckner: Yeah, just seconding that motion, having multiple entries

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01:13:48.460 --> 01:13:52.160

Jason Buckner: of places to go for a single organization's data

552

01:13:52.310 --> 01:14:00.479

Jason Buckner: is gonna be confusing. Folks may not know where the single source of truth truth is for that. And I highly suggest we do not go down that path.

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01:14:01.080 --> 01:14:02.300

Rim Cothren, CDII CalHHS: Thanks, Jason.

554

01:14:04.590 --> 01:14:29.150

Rim Cothren, CDII CalHHS: I don't see any other hands up. So I am going to ask that we take the slides down now and turn to actually sharing the pnp itself, and we'll give people an opportunity to react to any of the language. Pnp was distributed prior to today's meeting. Hopefully, people got at least a little chance to take a look at that in advance of today's meeting.

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01:14:29.560 --> 01:14:31.459

Rim Cothren, CDII CalHHS: Hopefully, you can see my screen.

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01:14:35.350 --> 01:14:48.160

Rim Cothren, CDII CalHHS: Yes, we can thank you. So first of all, I'm not expecting that we'll spend any time on the purpose here. The purpose is just identifying what the purpose of this Pnp is.

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01:14:48.170 --> 01:14:55.419

I would encourage people to take a look at that, and if you have specific comments on the purpose let us know.

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01:14:55.630 --> 01:15:03.310

Rim Cothren, CDII CalHHS: Instead, I'd like to turn to the policy itself, and so the policy is divided into 2 separate pieces.

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01:15:03.390 --> 01:15:09.080

Rim Cothren, CDII CalHHS: one for establishing the Participant Directory, and this is requirements on Cdi.

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01:15:09.190 --> 01:15:29.320

Rim Cothren, CDII CalHHS: and that's that Cdi will establish the Participant Directory that allows participants to do certain things allows them to enter their information on the choices that they're making on how to share information, to update that information and obtain the information on the choices that other participants have made.

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01:15:29.920 --> 01:15:45.409

Rim Cothren, CDII CalHHS: and it will also make available to participants the following information, if a signatory is not yet active because they're exercising, they're right under health and safety code 130290

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01:15:45.460 --> 01:15:59.699

Rim Cothren, CDII CalHHS: or the requirement to exchange health and social services, information to delay sharing information till January 30, first, 2026. You'll see later that we're asking them to actually enter that into the Participant Directory

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01:15:59.870 --> 01:16:06.529

Rim Cothren, CDII CalHHS: application. And that would be the way that they would inform other participants that they're electing that choice.

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01:16:06.640 --> 01:16:28.720

Rim Cothren, CDII CalHHS: And if, the organization is a voluntary signatory that is terminated, the data sharing agreement, or is ceasing, or has ceased operations and is no longer an active participant. We'll see later. In both of those cases. Those are not selections they make in the application. But instead, they're required to contact Cdi

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01:16:28.720 --> 01:16:37.820

Rim Cothren, CDII CalHHS: to undertake those actions, and only once they're completed. With that information, move into the Participant Directory.

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01:16:38.670 --> 01:16:53.370

Rim Cothren, CDII CalHHS: Let me pause there for a second. We're going to get in much more detail into in the procedures about what this data is. But see if there is any, are any questions about the policy. That's applicable to Cdi.

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01:17:01.490 --> 01:17:12.119

Rim Cothren, CDII CalHHS: Okay, if we turn to the policy for participants and what they must do. they are required to enter into the Participant Directory

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01:17:12.810 --> 01:17:19.209

Rim Cothren, CDII CalHHS: information that Cdi is requesting, and that is listed in the procedures that follow

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01:17:19.440 --> 01:17:29.779

Rim Cothren, CDII CalHHS: where it outlines that, and the timeframe in which that action must be taken as soon as practicable. But no more than 10 business days

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01:17:29.850 --> 01:17:35.390

Rim Cothren, CDII CalHHS: after an organization begins to exchange information

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01:17:35.520 --> 01:17:49.650

Rim Cothren, CDII CalHHS: under the data exchange framework. They're required to make updates or corrections again as soon as practicable, but not more than 10 days following a change in information or discovery of inaccurate information.

572

01:17:51.800 --> 01:17:56.089

Rim Cothren, CDII CalHHS: So those are the 2 big requirements of participants.

573

01:17:57.880 --> 01:18:13.630

Rim Cothren, CDII CalHHS: Participants are also required to list in the application if they are delaying, providing access to or exchange of health and social services information until 2026. As we've said.

574

01:18:13.960 --> 01:18:24.120

Rim Cothren, CDII CalHHS: they're required to contact. Cdi, as specified in the Dsa. There is nothing in this policy and procedure that talks about the mechanism for this.

575

01:18:24.140 --> 01:18:31.199

but the Dsa. Has provisions for terminating the Dsa. If an organization is a voluntary participant.

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01:18:32.120 --> 01:18:55.620

Rim Cothren, CDII CalHHS: and so this merely reiterates the requirement in the Dsa with less detail. and requires a participant that is, ceasing operations to notify Cdi in writing as soon as practicable, practicable, but not less than 10 business days prior to

ceasing operations, so that can be entered into the data into the Participant Directory as well.

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01:18:56.690 --> 01:19:12.770

Rim Cothren, CDII CalHHS: People may have noted that when you signed a Dsa that you're asked to enter subordinate organizations or covered under the Dsa. We've also listed here a policy requirement for you to keep that listing up to date.

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01:19:12.810 --> 01:19:23.700

Rim Cothren, CDII CalHHS: as there is no provision elsewhere for you to keep the list of subordinate organizations up to date, because that will be used in the Participant Directory.

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01:19:24.860 --> 01:19:33.100

Rim Cothren, CDII CalHHS: And then, finally, we are anticipating that this policy shall take effect on January 30, first, 2024.

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01:19:35.500 --> 01:19:39.280

Rim Cothren, CDII CalHHS: Let me pause there and see if there are any questions about that portion of the policy.

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01:19:46.580 --> 01:19:47.660

Rim Cothren, CDII CalHHS: Yes, Steven

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01:19:47.800 --> 01:20:13.190

Steven Lane: Graham, I put my question into chat no problem what I said was isn't anticipated that intermediaries might agree to enter and manage the directory entries of their participants and or sub participants that they are supporting in their exchange.

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01:20:13.210 --> 01:20:21.209

Rim Cothren, CDII CalHHS: It's one of the things that we talked about the way this pnp is written. Now that that is not allowed.

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01:20:21.260 --> 01:20:23.730

Rim Cothren, CDII CalHHS: the participants must do it themselves.

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01:20:23.750 --> 01:20:31.109

Rim Cothren, CDII CalHHS: So first of all, if you think about the, and we'll get into the information that a participant must enter. But it's a relatively low bar.

586

01:20:31.210 --> 01:20:39.220

Rim Cothren, CDII CalHHS: If a participant is using a QHIO, they need to say I'm using such and such. QHIO. Probably from a pick list in an application.

587

01:20:39.450 --> 01:20:49.460

Rim Cothren, CDII CalHHS: The reason that we didn't go the other way is that we have to very carefully manage delegation of that, because we don't want

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01:20:49.520 --> 01:20:52.450

Rim Cothren, CDII CalHHS: Qh. los, or other intermediaries

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01:20:52.470 --> 01:21:00.200

Rim Cothren, CDII CalHHS: claiming to be the preferred conduit for participants. We instead want the participants to assert

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01:21:00.240 --> 01:21:22.510

Rim Cothren, CDII CalHHS: the preferred mechanism. Now, that doesn't mean that a participant can't reach out to the Q and say, what am I supposed to do about this, and get instructions from the QHIO. But at least right now we are not proposing in the way this language is written today that a Qah or other intermediary could enter this information on behalf of their contracted participants.

591

01:21:26.990 --> 01:21:40.970

Rim Cothren, CDII CalHHS: I anticipate we'll get a public comment on that. So I would encourage people to kind of think about that as as we move forward remembering the security implications about getting that information wrong?

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01:21:41.000 --> 01:21:46.620

Rim Cothren, CDII CalHHS: Or allowing an inappropriate organization to to list that

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01:21:47.280 --> 01:21:54.390

Steven Lane: Steven, I see your hand up again. Yeah. So so we're really expecting every

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01:21:54.670 --> 01:21:58.049

Steven Lane: provider across the State

595

01:21:58.340 --> 01:22:04.399

Steven Lane: to go into and update and maintain their directory entry.

596

01:22:05.550 --> 01:22:08.509

Rim Cothren, CDII CalHHS: That is the way this P. And P. Reads today. Yes.

597

01:22:10.400 --> 01:22:11.749

Steven Lane: bully for us.

598

01:22:19.010 --> 01:22:23.539

Rim Cothren, CDII CalHHS: Let's go on to the procedures. Sorry, Jason. I see your hand up.

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01:22:25.550 --> 01:22:27.800

Jason Buckner: Yeah, I just I mean, you know, playing on

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01:22:28.340 --> 01:22:35.320

Jason Buckner: a little bit of what Stephen was saying, here it's it's almost November first, and then the reality of

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01:22:35.670 --> 01:22:38.429

Jason Buckner: when this might get published in in a form that

602

01:22:39.550 --> 01:22:41.509

Jason Buckner: organizations could fill out.

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01:22:42.240 --> 01:22:53.070

Jason Buckner: we're going to struggle to get that information, I think, from organizations by before January 30 first. It's just a reality of the timing, and

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01:22:53.330 --> 01:22:54.529
Jason Buckner: just want to call now.

605
01:22:54.930 --> 01:23:06.590
Rim Cothren, CDII CalHHS: And thanks, Jason. It's something that I should have mentioned, too, that we do understand that there is. I mean, we're writing into the Pnp. That it takes effect on January 30 first. But people have 10 days.

606
01:23:06.810 --> 01:23:27.760
Rim Cothren, CDII CalHHS: and still can be compliant with the policy to actually enter that information. So there is. There is a gap there. I think that we fully need to acknowledge that the completeness of the Participant Directory will grow over time, as people understand how they're going to be exchanging data and get that information. Entered

607
01:23:28.000 --> 01:23:50.729
Steven Lane: Steven. I see your hand up again. Yeah. Sorry sorry to keep mouthing off here, Rim. But so you know, I work as part of a medical group of I don't know 1,000 doctors, and as part of a larger organization of probably now up to 6,000 providers. And and you know, that's just the the license. Independent practitioners.

608
01:23:50.730 --> 01:24:08.020
Steven Lane: are we anticipating that that large groups that that have a lot of providers inside them would be able to enter this data on behalf of those individual participants? Or do we really think that every single.

609
01:24:08.080 --> 01:24:12.490
Rim Cothren, CDII CalHHS: you know participant is gonna go in and do this themselves. So

610
01:24:13.580 --> 01:24:19.870
Rim Cothren, CDII CalHHS: I'm going to lean pretty heavily on capital p participant here.

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01:24:19.900 --> 01:24:28.699
Rim Cothren, CDII CalHHS: This requires signatories to the Dsa. To put this in. So the answer to your question is that if an organization

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01:24:28.830 --> 01:24:32.759

Rim Cothren, CDII CalHHS: has signed the Dsa. On behalf of

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01:24:33.280 --> 01:24:38.859

Rim Cothren, CDII CalHHS: other, either supported organizations or individuals, that only, if

614

01:24:39.070 --> 01:24:44.320

Rim Cothren, CDII CalHHS: would be required to enter that information on behalf of all of

615

01:24:44.810 --> 01:24:51.540

Rim Cothren, CDII CalHHS: you know the the individuals or sub organizations that it's signed the Dsa. For

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01:24:52.090 --> 01:24:56.789

Steven Lane: so Sutter or the Kaisers or the Uces

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01:24:57.200 --> 01:25:26.690

Rim Cothren, CDII CalHHS: could take on, or or are expected to take on the responsibility of entering this for all of their subordinate providers and entities. Right? That that's correct. So let's take one of the examples that you had. Sutter has signed the Dsa. Listed a couple of dozen subordinate organizations, and it would be responsible for entering the choices for all of those subordinate organizations which may be the same for all of them, you know. Which is fine.

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01:25:26.810 --> 01:25:35.039

Rim Cothren, CDII CalHHS: or maybe different for some of them that they'll have elected to use different vendors to share information. But that is the expectation. Yes.

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01:25:40.260 --> 01:26:07.610

Rim Cothren, CDII CalHHS: let's move on to the procedures if we can. So the first set of procedures is again about establishing the Participant Directory. The first statement is just embellishing a little bit more on the definition. Here, as I put in the slides, the Participant Directory is both a listing and a technology solution or application. And again, for phase one, we're intending to leverage the Dsa signing portal as that application.

620

01:26:07.750 --> 01:26:12.469

And so this P. This Pnp calls out the requirements

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01:26:12.580 --> 01:26:26.200

Rim Cothren, CDII CalHHS: of Cdi, and creating that application and publishing the listing as well as participants for entering information into the application.

622

01:26:31.010 --> 01:26:34.099

Rim Cothren, CDII CalHHS: The meat of this P. And P.

623

01:26:35.920 --> 01:26:48.980

Rim Cothren, CDII CalHHS: Is really about the information that is in that listing. So the name of the participant is identified by the participant in the Dsa, including subordinate organizations.

624

01:26:48.990 --> 01:26:59.290

Rim Cothren, CDII CalHHS: a unique identifier, as we discussed before, that would be assigned by the Participant Directory and the choices that organizations have made for 3 things.

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01:26:59.350 --> 01:27:03.430

How do you reach me to request information?

626

01:27:03.440 --> 01:27:15.290

Rim Cothren, CDII CalHHS: How do you reach me when sending information? And how do you reach me when requesting notifications of adt events, those may all 3 be the same information, or they may be different.

627

01:27:15.320 --> 01:27:18.989

Rim Cothren, CDII CalHHS: depending on the choices of the specific participant.

628

01:27:19.210 --> 01:27:44.980

Rim Cothren, CDII CalHHS: Technical contact information for intermediaries or technologies. If it's necessary to reach out to those individuals. While the Pnp currently

says for each intermediary, I actually anticipate that this will only be for organizations, participants that are using their own technologies and need to do point to point

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01:27:45.200 --> 01:27:50.669

Rim Cothren, CDII CalHHS: connections. So this may change before it goes out for public comment

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01:27:51.100 --> 01:27:58.759

an indication of whether the participant has chosen to exercise a delay and sharing information has terminated the Dsa.

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01:27:58.800 --> 01:28:04.050

Rim Cothren, CDII CalHHS: Or is CC operations. So that's the information that will be in the listing

632

01:28:05.270 --> 01:28:16.489

Rim Cothren, CDII CalHHS: the listing and its format will be available for download on the Cdi website. So that means it's going to be publicly available to anybody that wants to access it.

633

01:28:16.650 --> 01:28:33.320

Rim Cothren, CDII CalHHS: It'll be updated at least weekly. and may be updated more often than that, especially if there are significant changes to the data that's in it. The application will be made available to all participants, but only to participants.

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01:28:35.190 --> 01:28:43.510

Rim Cothren, CDII CalHHS: and the participant application shall enable a participant to enter their choices or update their choices.

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01:28:44.110 --> 01:28:45.869

Rim Cothren, CDII CalHHS: Jason, I see your hand up.

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01:28:47.570 --> 01:28:48.580

Jason Buckner: Thanks. Room.

637

01:28:48.650 --> 01:28:55.280

Jason Buckner: My question is around what level of identity proofing

638

01:28:55.860 --> 01:29:06.439

Jason Buckner: will CD. lii. Be performing on folks that are filling this out. I know there wasn't a significant amount of that during the Dsa signing period. And I just want to know how much

639

01:29:06.650 --> 01:29:12.900

Jason Buckner: organizations can trust what's in that directory to know that? There's been true identity verification.

640

01:29:13.180 --> 01:29:16.819

Jason Buckner: so that we do or do not have to perform that activity ourselves.

641

01:29:17.260 --> 01:29:22.110

Rim Cothren, CDII CalHHS: Thanks, Jason, for that. One of the things that we're relying on here is

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01:29:22.130 --> 01:29:31.050

Rim Cothren, CDII CalHHS: that a participant and and it's not actually entered in here. But what we anticipate is the application

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01:29:31.130 --> 01:29:55.410

Rim Cothren, CDII CalHHS: would only allow organizations to make certain choices of intermediaries. Initially, that's probably the nationwide networks in the Q. los. That will expand over time, as participants say, well, I'm using an intermediary that's not a Qh. And we would vet those that those at that time, to make sure the intermediaries are actually offering the service that a participant is asking to to

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01:29:55.470 --> 01:30:05.480

Rim Cothren, CDII CalHHS: is specifying them to provide but, as you say, the level of identity proofing in the Dsa signing portal

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01:30:05.490 --> 01:30:08.840

Was limited to email verification.

646

01:30:09.060 --> 01:30:19.280

Rim Cothren, CDII CalHHS: And we are like leaning on the signed Dsa as evidence that they are bound to policies and procedures and have not defrauded

647

01:30:19.310 --> 01:30:44.019

Rim Cothren, CDII CalHHS: Organizations or the State in signing that document, and therefore they are specifying how to contact them, or to send data to them. Again, one of the reasons to not rely on intermediaries to make those choices on behalf of participants, but participants that assign the Dsa. Being the only organizations can that can add those

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01:30:45.180 --> 01:30:46.100

Jason Buckner: thanks.

649

01:30:48.630 --> 01:30:53.109

Rim Cothren, CDII CalHHS: Are there any other questions on this section of the procedures

650

01:31:04.670 --> 01:31:10.789

Rim Cothren, CDII CalHHS: and RAM? You have about 5 min remaining? Okay? Well, we might get there.

651

01:31:11.660 --> 01:31:19.679

Rim Cothren, CDII CalHHS: The next section of the procedures are the requirements of participants. We've touched on most of this already.

652

01:31:19.790 --> 01:31:35.510

Rim Cothren, CDII CalHHS: so participants must enter choices for how they how someone would request information from them, how someone would send information to them, and how someone would request notifications of adt events.

653

01:31:36.290 --> 01:31:43.040

Rim Cothren, CDII CalHHS: We note here, and you may recall from the technical requirements for exchange that

654

01:31:43.610 --> 01:31:44.640

Rim Cothren, CDII CalHHS: a

655

01:31:44.830 --> 01:31:53.799

Rim Cothren, CDII CalHHS: skilled nursing facilities are encouraged, but not required to provide notification of adt events. And so that's reflected in the pnp here as well.

656

01:31:59.270 --> 01:32:11.029

Rim Cothren, CDII CalHHS: And then it lists. The choices that they must, they may make so our participant may indicate that the participants chose to use point to point interfaces to its own technology.

657

01:32:11.750 --> 01:32:20.070

Rim Cothren, CDII CalHHS: It may identify nationwide network or framework or qualified health information organization, or any participant acting as an intermediary.

658

01:32:20.580 --> 01:32:27.109

Rim Cothren, CDII CalHHS: or it may identify an intermediary that is not a participant.

659

01:32:27.690 --> 01:32:42.679

Rim Cothren, CDII CalHHS: And again, we anticipate. This will be fleshed out as we are developing the application that this would still be a pick list, and so over time we would be vetting those intermediaries as participants specify them.

660

01:32:44.660 --> 01:32:52.420

Rim Cothren, CDII CalHHS: If a participant chooses to use a point to point interface to its own technology. It needs to provide technical point of contact

661

01:32:52.720 --> 01:33:00.500

Rim Cothren, CDII CalHHS: information associated with how to establish how to reach them, to establish that point, to point contact.

662

01:33:00.630 --> 01:33:03.400

Rim Cothren, CDII CalHHS: And again, a participant.

663

01:33:03.980 --> 01:33:16.839

Rim Cothren, CDII CalHHS: that, it identifies an intermediary that is not a participant will work with Cdi to get enough information about that intermediary so that we may contact them and vet them.

664

01:33:18.400 --> 01:33:34.750

Rim Cothren, CDII CalHHS: And then, finally, the participant is solely responsible for the accuracy and completeness of their choices. They are required to keep that up to date. It speaks again to. We are requiring this of all participants, and not the intermediaries that are serving them.

665

01:33:36.020 --> 01:33:41.289

Rim Cothren, CDII CalHHS: Let me pause there, and see if there are any questions on that portion of the policy and pre and procedure.

666

01:33:48.650 --> 01:34:04.410

Rim Cothren, CDII CalHHS: hearing none. The last section is additional information for some participants. We've touched on these already. Again, a participant that chooses to delay providing access needs to list that in the Participant Directory Application.

667

01:34:05.670 --> 01:34:18.000

Rim Cothren, CDII CalHHS: and they may delay entering their information into the Directory application until January 30, first, 2026.

668

01:34:18.370 --> 01:34:21.500

Rim Cothren, CDII CalHHS: Again, there is no requirement

669

01:34:21.660 --> 01:34:31.679

Rim Cothren, CDII CalHHS: and no procedure here for organizations, participants to list in the Participant Directory application.

670

01:34:31.770 --> 01:34:38.120

Rim Cothren, CDII CalHHS: If they are terminating the Dsa. They must contact Cdi and writing for that, and that's specified in the policies.

671

01:34:38.480 --> 01:34:47.449

Rim Cothren, CDII CalHHS: or to list in the application that they are CC. In operations. Again, they must contact Cdi in writing for that.

672

01:34:48.700 --> 01:35:00.410

Rim Cothren, CDII CalHHS: I'm gonna open up the definitions and leave that on the screen here. There are 2 terms that are new to this pnp. That are defined terms within the language. These would move

673

01:35:00.420 --> 01:35:10.489

Rim Cothren, CDII CalHHS: ultimately to the glossary of defined terms, but they accompany the pnp at this time. That's the definition of a Participant Directory and a point to point interface.

674

01:35:10.670 --> 01:35:12.589

Rim Cothren, CDII CalHHS: Lily, I see your hand up.

675

01:35:17.400 --> 01:35:36.490

Louis Cretaro: Hi. Rem. Sorry I had asked to put something in the chat, but inadvertently did not select everybody. But I was wondering if the Directory could Directory could be connected to the Npi database for you know, getting information about all these providers.

676

01:35:36.740 --> 01:35:39.750

Louis Cretaro: That it sounds like they have to enter in

677

01:35:39.810 --> 01:35:48.840

Louis Cretaro: and updates to those providers as they update their Mpi records. Couldn't those be automatically updated in the Directory?

678

01:35:48.880 --> 01:36:01.639

Rim Cothren, CDII CalHHS: Does anybody look at the integration of those directories? I know that here within Cdi. We've we've talked about that briefly. In pas is notoriously.

679

01:36:01.840 --> 01:36:31.310

Rim Cothren, CDII CalHHS: poorly maintained by providers that are participating in it, and it actually doesn't have the capability for some of the information that we're asking for here, and so I don't think that it can be used for that directly. And if you recall the information that a participant must list here is really the choices that they're making

and if they're doing point to point connections, the contact information for those point to point connections.

680

01:36:31.370 --> 01:36:45.609

Rim Cothren, CDII CalHHS: There isn't information about their addresses, their business hours or license, or anything else that's required in the Participant Directory. So the bar, for the information they must enter is actually very, very low.

681

01:36:46.090 --> 01:36:52.799

Rim Cothren, CDII CalHHS: Your typical participant will go in and make 1, 2, or 3 choices.

682

01:36:52.850 --> 01:36:58.620

Rim Cothren, CDII CalHHS: and the intermediaries, or nationwide networks or frameworks that they're using, and they're done.

683

01:37:02.130 --> 01:37:04.030

Louis Cretaro: Thanks, RAM, bye.

684

01:37:04.870 --> 01:37:09.560

Rim Cothren, CDII CalHHS: Are there any other questions, Courtney. I don't see any other hands up.

685

01:37:11.750 --> 01:37:25.089

Courtney Hansen: I don't see any other hands up, either. There is a question in the chat from Sanjay on sniffs. I know that you have that requirement. For sniffs in there, if you wanna speak to that.

686

01:37:26.260 --> 01:37:28.070

Rim Cothren, CDII CalHHS: So the

687

01:37:29.310 --> 01:37:45.139

Rim Cothren, CDII CalHHS: what what is required in? And I think Jonah already identified this. What's required in the legislation is sniffs that have electronic health records required signatories in the technical requirements

688

01:37:45.260 --> 01:37:48.750

Rim Cothren, CDII CalHHS: for exchange. P. And P. We

689

01:37:49.430 --> 01:37:52.410

Rim Cothren, CDII CalHHS: we

690

01:37:53.350 --> 01:37:58.229

Rim Cothren, CDII CalHHS: Encourage sniffs to provide

691

01:38:00.020 --> 01:38:03.460

Rim Cothren, CDII CalHHS: a dt notifications, but do not require it.

692

01:38:03.760 --> 01:38:18.209

Rim Cothren, CDII CalHHS: I anticipate that that may be a requirement sometime in the future, but it's not a requirement today. So if if a a skilled nursing facility has signed the Dsa, they must enter their choices into

693

01:38:18.230 --> 01:38:28.069

Rim Cothren, CDII CalHHS: the Participant Directory application, and if they do support adt notifications, they would have to list their choice for that there as well.

694

01:38:31.590 --> 01:38:36.780

Rim Cothren, CDII CalHHS: Was there anything else that I missed in the chat, Courtney. I'm sorry I couldn't see that window when I was presenting

695

01:38:36.820 --> 01:38:46.910

Courtney Hansen: nothing else in the chat. There's a few things in QA. That you may want to take a look at while we start on public comment.

696

01:38:47.530 --> 01:38:48.560

Courtney Hansen: Thanks, Ryan.

697

01:38:50.810 --> 01:38:53.180

Courtney Hansen: if we can go back to the spies. Oh.

698

01:38:53.570 --> 01:38:56.720

Courtney Hansen: Rim, we have a late hand from Jason.

699

01:38:57.620 --> 01:39:02.260

Courtney Hansen: Sorry I'll be. I'll be quick here.

700

01:39:02.540 --> 01:39:12.550

Jason Buckner: just as a global sort of question and statement. Here we talked a little bit about updating policies and procedures, and maybe an annual basis scheduled and

701

01:39:12.810 --> 01:39:19.939

Jason Buckner: some triggers. Otherwise, do we have a date from Cdi that you plan on finalizing

702

01:39:20.150 --> 01:39:22.590

Jason Buckner: all of the policies and procedures

703

01:39:22.650 --> 01:39:30.010

Jason Buckner: before January 30, first, 2,024, and I just. We all know this, but every time we modify

704

01:39:30.100 --> 01:39:48.470

Jason Buckner: one of these policies. Minor words can result in large amounts of work and change and shifts in approaches that have been built for 6 to 12 months. and having a firm sort of end date to say, Okay, we're going to draw the line on this date, and the policies and procedures are going to be finalized in the state that they are in

705

01:39:48.480 --> 01:39:57.149

Jason Buckner: would be helpful in sort of a global sense. And I don't know that you have an answer now, and that's okay. But I do want to flag that we need to get to that point so somewhere soon.

706

01:39:58.010 --> 01:40:06.829

Courtney Hansen: Thanks, Jason. We are very aware, of how these impact all participants. And how all of these modifications do.

707

01:40:07.080 --> 01:40:18.530

Courtney Hansen: Unfortunately, we don't have Dean here to be able to speak on this. We will take it back bring it to her, and then hopefully, we can get some clarity around that that we can

708

01:40:18.630 --> 01:40:20.899

Courtney Hansen: let folks know about

709

01:40:21.610 --> 01:40:25.600

Courtney Hansen: but we do hear you. We understand.

710

01:40:25.610 --> 01:40:29.620

Courtney Hansen: and we are. We're very aware of it.

711

01:40:30.570 --> 01:40:35.580

Courtney Hansen: And with that we will move on to public comment.

712

01:40:40.980 --> 01:40:41.910

Courtney Hansen: Slide.

713

01:40:46.210 --> 01:40:50.889

Carmela L - Events: we do not have any hands raised at this time.

714

01:40:51.820 --> 01:40:57.200

Courtney Hansen: Go ahead and raise your hands, using either the zoom telecom free and seeing options.

715

01:40:57.230 --> 01:41:04.749

Courtney Hansen: and you'll be called in order hand was raised. Please state your name and organization affiliation. Please keep comments respectful and brief.

716

01:41:05.630 --> 01:41:06.370

Courtney Hansen: and

717

01:41:08.270 --> 01:41:14.449

Courtney Hansen: tools from the public audience who may have public comment can insert it at the QA. Or otherwise raise their hand.

718

01:41:14.570 --> 01:41:19.700

Courtney Hansen: I'll give folks another minute or 2 if they would like to raise their hands.

719

01:41:20.040 --> 01:41:28.560

Courtney Hansen: apologize a little out of practice, and wasn't sure if I was going to say that or a minute was, so I'll let folks raise their hands if they have any public comment.

720

01:41:29.450 --> 01:41:30.679

Carmela L - Events: Thank you, Courtney.

721

01:41:50.720 --> 01:41:54.920

Courtney Hansen: One more minute case anyone has any public comment they would like to make.

722

01:42:06.250 --> 01:42:08.000

Carmela L - Events: See? We do have a hand up.

723

01:42:08.700 --> 01:42:16.379

Carmela L - Events: Sorry, Meta. I will go ahead and allow you to speak. Please go ahead and make sure you're on mute. Thank you.

724

01:42:19.980 --> 01:42:23.570

Saurin Mehta: Thank you. This is Sauri, madam, from scan Helpland.

725

01:42:23.630 --> 01:42:33.069

Saurin Mehta: The question I have is more geared towards help plan are there any restrictions to what

726

01:42:33.370 --> 01:42:35.620

Saurin Mehta: data that can be

727

01:42:35.710 --> 01:42:41.489

Saurin Mehta: requested by a help plan out of this exchange.

728

01:42:41.730 --> 01:42:45.450

Saurin Mehta: In terms of what would be a permissible use.

729

01:42:48.510 --> 01:43:02.270

Courtney Hansen: I would recommend reviewing our various policies and procedures on our website, there is a permitted, required, and prohibited purposes. Policy and procedure. It applies to all participants, including health plans.

730

01:43:02.520 --> 01:43:06.159

Courtney Hansen: That would be helpful in understanding

731

01:43:06.320 --> 01:43:08.909

the purposes for which data can be shared.

732

01:43:09.000 --> 01:43:15.400

Courtney Hansen: the data elements to be exchanged which is currently out for public comment. discusses the data elements

733

01:43:15.620 --> 01:43:19.219

Courtney Hansen: that are required to be exchanged.

734

01:43:19.490 --> 01:43:26.499

Courtney Hansen: and they're trying to think of any other paid piece that may be relevant.

735

01:43:26.650 --> 01:43:33.020

Courtney Hansen: But if you take a look on our website. There's a few different policies and procedures that should help answer your question.

736

01:43:35.640 --> 01:43:37.010

Saurin Mehta: Okay, thank you.

737

01:43:37.290 --> 01:43:38.100

Courtney Hansen: Sure.

738

01:43:48.200 --> 01:43:49.600

Courtney Hansen: Any other hands.

739

01:44:00.650 --> 01:44:03.989

Jonah Frohlich: Camilla, are there any other hands that have been raised by the public.

740

01:44:04.150 --> 01:44:06.160

Carmela L - Events: There are no other hands at this time.

741

01:44:09.180 --> 01:44:12.620

Courtney Hansen: It looks like Stephen would like to take advantage of public comment.

742

01:44:12.990 --> 01:44:18.609

Steven Lane: Yeah, It was sort of waiting till we're done with the public. I wanna defer to the public. If there's anyone else out there.

743

01:44:19.080 --> 01:44:23.710

Courtney Hansen: absolutely. It looks like there's no other public comments. So we can go ahead and take you. Stephen.

744

01:44:23.750 --> 01:44:41.059

Steven Lane: Okay? Then I then I put a question into the chat. Curious whether there's any update regarding potential penalties or disincentives for nonparticipation by entities that are statutorily required to sign the Dsa.

745

01:44:44.650 --> 01:44:56.140

Courtney Hansen: I don't have an answer for you. Unfortunately, as I mentioned, Dan isn't here, so there's a little limited what I'm able to speak to.

746

01:44:56.270 --> 01:44:58.930

Courtney Hansen: you know, being the attorney. but

747

01:45:00.550 --> 01:45:05.159

Courtney Hansen: we can take that back and see if Dean is able to provide an answer to the group.

748

01:45:06.050 --> 01:45:07.020

Steven Lane: Thank you.

749

01:45:15.080 --> 01:45:26.250

Courtney Hansen: There's no other hands, and no other folks from the subcommittee that want to make public comment. Then we can move on to next steps in closing remarks.

750

01:45:30.070 --> 01:45:33.800

Courtney Hansen: giving a brief pause in case anyone shy.

751

01:45:35.440 --> 01:45:37.120

Courtney Hansen: Alright.

752

01:45:37.210 --> 01:45:48.820

Courtney Hansen: So again the slide summarizes our next steps for the different policies and procedures. no, that early exchange we've been holding to publish with

753

01:45:48.850 --> 01:45:55.079

Courtney Hansen: privacy and security safeguards. Now that that is being finalized and published, this will be published together.

754

01:45:55.130 --> 01:45:58.230

Courtney Hansen: We are finalizing, publishing

755

01:45:58.400 --> 01:46:04.879

Courtney Hansen: the privacy standards and security safeguards, requirement to exchange Hss. I. And individual access services

756

01:46:05.010 --> 01:46:16.620

Courtney Hansen: after public comment, either on administrative changes or substantive changes. We will take feedback that we received from today's meeting into consideration in those final

757

01:46:17.060 --> 01:46:20.370

Courtney Hansen: and this final finalizations,

758

01:46:21.530 --> 01:46:25.910

Courtney Hansen: for breach notification and data elements to be exchanged.

759

01:46:26.130 --> 01:46:39.959

Courtney Hansen: Please take a look at them on our website. They're both open for public comment. Again, breach notification is limited to administrative changes. Please limit your public comments to

760

01:46:40.150 --> 01:46:50.949

Courtney Hansen: changes, or to our whether our changes are substantive or administrative. And whether you agree or disagree with those changes being administrative

761

01:46:51.460 --> 01:47:06.359

Courtney Hansen: so folks are aware, if you do provide substantive comments and public comment, we do take those for the next and hold them for the next time that they are that we're considering substantive comments to policy and procedures. So

762

01:47:06.400 --> 01:47:17.820

Courtney Hansen: for folks that did provide substantive comments to individual access services. Next time, we open up individual access services for substantive comment. We'll take, take those comments and consideration, then.

763

01:47:18.610 --> 01:47:37.109

Courtney Hansen: Data elements to be exchanged is open for full public comments. Please take a look as I've mentioned several times, your input and all of these is critical. We are trying to get all of this right and make sure that we are doing the best that we can for

764

01:47:37.130 --> 01:47:39.910

Courtney Hansen: all of the individuals that are receiving

765

01:47:40.060 --> 01:47:46.370

Courtney Hansen: the various services from our wonderful participants. We wanna make sure that all of these make sense

766

01:47:47.680 --> 01:48:00.599

Courtney Hansen: for Participant Directory. We are refining and releasing for public comment and fees. We're going to develop it and release it for public comment based on the discussions here of the the different concepts of that

767

01:48:01.290 --> 01:48:02.290

Courtney Hansen: next slide.

768

01:48:05.770 --> 01:48:20.160

Courtney Hansen: So we will consider feedback provided today and continue to advance our policies and procedures and development and workable solicit public comment, which is on a number of them right now.

769

01:48:20.460 --> 01:48:23.750

Courtney Hansen: And we will. As always, we'll post a summary of today's meeting.

770

01:48:24.560 --> 01:48:36.300

Courtney Hansen: Provide any feedback that you have on proposed changes to the Pmp language. Following instructions on our dxf website. and

771

01:48:37.470 --> 01:48:41.639

Courtney Hansen: as always, I encourage you to stay in touch with our team

772

01:48:41.970 --> 01:48:43.390

and send

773

01:48:43.700 --> 01:48:51.409

Courtney Hansen: Dean or myself any additional feedback on the pnps or other topics we covered during today's meeting

774

01:48:54.810 --> 01:48:55.760

Courtney Hansen: next slide.

775

01:48:58.360 --> 01:49:07.120

Courtney Hansen: Our next loc meeting is November sixteenth from at 9 Am. So please stay tuned or tune in for that.

776

01:49:07.330 --> 01:49:14.669

Courtney Hansen: and for our next subcommittee meeting we will all be meeting December fifth 9 Am. Virtually

777

01:49:15.480 --> 01:49:20.110

Courtney Hansen: next slide. There's also a few

778

01:49:20.130 --> 01:49:35.890

Courtney Hansen: webinars coming up. So one is November seventh. the other December thirteenth. Please feel free to tune in and let folks know that about our webinars so that way we can get some more information out there about dxf.

779

01:49:37.260 --> 01:49:51.440

Courtney Hansen: with that, if there's no other questions. Thank you all for bearing with me. As I jumped in, and I'm clearly a little rusty and sharing, but I appreciate all of your comments and thank you.

780

01:49:51.650 --> 01:49:54.430

Courtney Hansen: happy Halloween. thanks.