

CalHHS Data Exchange Framework Policy and Procedure

Subject: Early Exchange	
Status: Final	Policy: OPP-13
Publication Date: November 15, 2023	Version: 1.0

I. Purpose

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

II. Policy

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

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

III. Procedures

1. REQUIREMENTS TO ENGAGE IN EARLY EXCHANGE

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

2. POLICIES AND PROCEDURES APPLICABLE TO EARLY EXCHANGE

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

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- iv. Privacy Standards and Security Safeguards
- v. Data Elements to be Exchanged

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

IV. Definitions

All capitalized terms shall have the meaning set forth in the Data Exchange Framework Glossary of Defined Terms.

V. References

Breach Notification Policy and Procedure

California Information Blocking Prohibitions Policy and Procedure

Data Elements to be Exchanged Policy and Procedure

Permitted, Required, and Prohibited Purposes Policy and Procedure

Privacy Standards and Security Safeguards Policy and Procedure

Requirement to Exchange Health and Social Services Information Policy and Procedure

45 C.F.R. §§ 160 and 164

California Health and Safety Code § 130290

California Civil Code § 56.05

California Civil Code § 1798.140(v)

Health Insurance Portability and Accountability Act (HIPAA) of 1996

VI. Version History

<u>No.</u>	<u>Date</u>	<u>Author</u>	<u>Comment</u>
1.0	November 15, 2023	CalHHS CDII	Final