



October 23, 2023

John Ohanian
Chief Data Officer
California Health and Human Services Agency
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Sacramento, CA 95814
E-Mail: CDII@chhs.ca.gov

SUBJECT: Comments on Draft Policy and Procedure: Individual Access

Dear Mr. Ohanian:

Thank you for the opportunity to provide feedback on the following draft Policy and Procedure: Individual Access.

On behalf of our more than 400 member hospitals and health systems, the California Hospital Association (CHA) respectfully offers the following comments.

1. Individual Ability to Opt Out

At this time, there is no Policy and Procedure regarding an individual's ability to opt-out. There are individuals who routinely opt out; for example, hospitals report that individuals have opted out of Epic's Care Everywhere. In addition, there is federal regulation to provide individuals with the ability to opt-out. CHA requests that CDII add opt-out provisions that align with the federal regulations.

2. Adding self-reported Social Determinants of Health Information (SDOH)

Procedure 1(b) adds self-reported SDOH information to an individual's electronic health record. While we are supportive of the goals of this language, hospitals, health systems and others will need time to work with vendors.

3. Inadequate identification standard

In Procedure 3(a), the CFR section referenced here does not mention IAL2 as an established assurance standard. As such, individual Participants would have wide latitude in deciding what is adequate identification. We recommend alignment with the identification and verification requirements for individual user access with the federal TEFCA requirements. In addition, we recommend that QHIOs work like TEFCA QHINs wherein the responsibility for identification and validation of the requestor in the use case will lie with the third-party vendor and the information used to identify the individual will be passed to the QHIO, and thence to Participants.

Thank you for your consideration. If you have any questions, please contact me at tgonzalez@calhospital.org.

Sincerely,

A handwritten signature in black ink that reads "Trina A. Gonzalez". The signature is written in a cursive, flowing style.

Trina A. Gonzalez
Vice President, Policy

cc: DeeAnne McCallin, Deputy Director, Data Exchange Framework, CDII