



**California Health & Human Services Agency
Center for Data Insights and Innovation
Data Exchange Framework Implementation Advisory Committee and Data Sharing
Agreement (DSA) Policies and Procedures (P&P) Subcommittee Meeting
Chat Log (2:00 PM – 3:45 PM PT, December 19, 2023)**

The following comments were made in the Zoom chat log by Members of the IAC, DSA P&P Subcommittee, and staff during the December 19, 2023 meeting:

14:06:09 From Deven McGraw to Everyone:

Apologize for being late. Deven McGraw is on.

14:10:08 From DeeAnne McCallin to Everyone:

Reminder to all committee members to use the Chat to Everyone for comments throughout this meeting.

14:15:13 From Matthew Eisenberg to Everyone:

Sorry but TEFCA is voluntary. Info Blocking penalties are an entirely different issue.

14:17:26 From DeeAnne McCallin to Everyone:

Yes, thank you Matthew. The ONC (Office of the Natl Coordinator of HIT for members of the public that may not be familiar) oversees the part of the federal 21st Century Cures Act's Information Blocking rule.

14:18:44 From Steven Lane to Everyone:

ONC blog re NPRM for Provider Information Blocking Disincentives:
<https://www.healthit.gov/buzz-blog/information-blocking/consequences-for-information-blocking-new-proposals-to-establish-disincentives-for-health-care-providers>

14:19:27 From Steven Lane to Everyone:

ONC HTI-1 Final Rule info page: <https://www.healthit.gov/topic/laws-regulation-and-policy/health-data-technology-and-interopability-certification-program>

14:22:21 From Rim Cothren to Everyone:

You can find the current FAQ at <https://www.cdii.ca.gov/wp-content/uploads/2023/12/Data-Exchange-Framework-FAQ-2023-12-11-013.pdf>.

14:22:28 From Lee Tien to Everyone:

I hear there's some concern among repro health providers about the blocking rules, but I don't know details.

14:22:56 From Steven Lane to Everyone:

The other big news from D.C. last week - TEFCAs go-live:
<https://www.hhs.gov/about/news/2023/12/12/hhs-marks-major-milestone-nationwide-health-data-exchange.html>

14:25:20 From Mark Savage to Everyone:

Thanks for the heads up, @Lee Tien!

14:31:27 From Mark Savage to Everyone:

@DeeAnne, any feedback by use case--any particular use cases that are raising questions?

14:32:55 From Matthew Eisenberg to Everyone:

The final Technical Requirements for Exchange remains vague and does not include any sort of technical implementation guide. So for many, the technical requirements needed to meet the DSA, given the "technology agnostic approach" are mysterious.

14:33:12 From John Helvey to Everyone:

Clarity around the P&P development and change process post January 2024 would be helpful

14:36:41 From Aaron Goodale to Everyone:

+1 Felix - Lack of clarity on enforcement is a significant driver

14:37:20 From Matthew Eisenberg to Everyone:

As an example, the QHIN Technical Framework leveraged in TEFCAs is VERY DETAILED regarding technical specifications and obligations.

14:37:27 From Steven Lane to Everyone:

Lack of clarity is not the same as lack of enforcement.

14:40:08 From Steven Lane to Everyone:

TEFCAs QHIN Technical Framework v1.1:<https://rce.sequoiaproject.org/wp-content/uploads/2023/12/QTF-V1.1-Final-508.pdf>

14:40:57 From DeeAnne McCallin to Everyone:

I will touch on P&Ps development in 2024 later in the P&P section

14:41:55 From Mark Savage to Everyone:

AB 133 is clear: "On or before January 31, 2023, and in alignment with existing federal standards and policies, the following health care organizations *shall* execute the California Health and Human Services Data Exchange Framework data sharing agreement pursuant to subdivision (a)." That's a statutory mandate enforceable by CHHS, and I think a mandate to CHHS to enforce now.

14:43:01 From Steven Lane to Everyone:

Clear. +1 @Mark

14:43:38 From Felix Su to Everyone:

As we continue to track the number of Signatories, we recommend that CDII begin reporting a denominator for the count of Signatories by category (hospital, practice, etc.) I This will provide helpful context for everyone has context re: the total and subtotals.

14:43:53 From Matthew Eisenberg to Everyone:

ADT notifications to whom? All DSA signatories? QHIO? Any requestor - that is not scalable.

14:47:40 From Lee Tien to Everyone:

I want to say from a legal POV that I would be worried about the non-state entities especially at the county or local levels lacking the \$\$, expertise, or technology to provide adequate data confidentiality and security. And that those issues are more important after Dobbs.

14:47:40 From Steven Lane to Everyone:

Related to privacy controls for highly sensitive data types, there is an opportunity to identify and support technical best practices amongst the QHIOs as well as all Participants/Signatories.

14:51:47 From Morgan Staines to Everyone:

Re Lee and David's comments re sensitive services & lower-tech providers. An important area for Technical assistance.

14:51:49 From Mark Savage to Everyone:

Repeating my point, that just covering all exchange (push and pull), not just pull exchange in response to an order or referral, would avoid this problem simply.

14:55:35 From Troy Kaji to Everyone:

+1 to Matt regarding responding to orders and referrals- needs definition of technical standard then testing and validation. Per IHI language, hope is not a plan.

15:00:54 From Steven Lane to Everyone:

The new ONC HTI-1 rule (link above) specifies USCDI V3 as the new standard for national exchange. USCDI v1 will be deprecated as of 1/1/2026.

15:02:38 From DeeAnne McCallin to Everyone:

link to Glossary https://www.cdii.ca.gov/wp-content/uploads/2023/12/CalHHS-DxF-Glossary_v1.1_11.30.23-FINAL.pdf

15:05:45 From Diana Kaempfer-Tong to Everyone:

+1 Morgan's concern.

15:06:12 From Lee Tien to Everyone:

Where is the earlier draft of the P&Ps that was amended in response to AB 352?
Thanks.

15:06:58 From DeeAnne McCallin to Everyone:

earlier drafts of P&Ps are on the Archive section of CDII's DxF webpage

15:07:48 From Morgan Staines to Everyone:

+1 to Troy's comment

15:08:59 From Lee Tien to Everyone:

Do we know which day/meeting the draft is associated with?

15:09:06 From Matthew Eisenberg to Everyone:

It will be impossible to stay in synch with federal content requirements UNLESS we simply tie our DxF requirements to the Federal expectations. Having separate State P&Ps is a losing proposition.

15:09:12 From John Helvey to Everyone:

That is a good clarification point on USCDI v2 to v3 RIM much appreciated

15:11:54 From Troy Kaji to Everyone:

RE: AB 352 Please convey to the P&P folks that we are having to make changes detailed in section 56.101 (c)(1)(A) where it states it applies to "gender affirming care, abortion and abortion-related services, and contraception"

(A) Limit user access privileges to information systems that contain medical information related to gender affirming care, abortion and abortion-related services, and contraception only to those persons who are authorized to access specified medical information.

15:22:42 From Troy Kaji to Everyone:

TEFCA Common Agreement has a dispute resolution section, however it has Sequoia Project clearly designated as the oversight organization

15:23:15 From Belinda Luu to Everyone:

Posting to @everyone this time. Regarding the Fees P&P, for participants that are non-QHIOs, if they are being asked to set up a point to point they don't have, can those non-QHIOs charge reasonable fees to set up the point to point - consistent with the Information Blocking framework?

15:23:49 From Belinda Luu to Everyone:

Posting to @everyone this time. Regarding enabling implementation, if a sender and recipient of the data don't agree on the method of transfer of the data, it will be great if the P&Ps

can address this conflict, and ideally, a priority preference for the types of system of sharing e.g. first, national system for maximum sharing, second, QHIO, and third, point to point. I think this will help implementation.

15:25:55 From Felix Su to Everyone:

@John the TASC will be a great addition.

15:26:58 From Aaron Goodale to Everyone:

Sorry, What would the output of the TASC be?

15:27:10 From Matthew Eisenberg to Everyone:

I think TASC members must be actively participating in robust health information exchange. That will help us build scalable, standards based exchange and a related implementation guide.

15:27:34 From Steven Lane to Everyone:

+1 @Matt

15:27:35 From John Helvey to Everyone:

+1 Matthew

15:27:47 From Lee Tien to Everyone:

+1 to patient representation

15:28:48 From Lee Tien to Everyone:

Including patients from/representing vulnerable populations

15:29:11 From Steven Lane to Everyone:

Perhaps the TASC could tackle the challenge of identifying technical and implementation standards to satisfy the requirements to differentially manage “gender affirming care, abortion and abortion-related services, and contraception.”

15:29:23 From Rim Cothren to Everyone:

Belinda: RE the question on fees, please see the Fees P&P currently out for public comment that includes requirements for all Participants, including Intermediaries that are not QHIOs.

15:29:34 From Deven McGraw to Everyone:

+1 as well on patient representation.

15:29:55 From Deven McGraw to Everyone:

+1 also to Matthew

15:30:35 From Belinda Luu to Everyone:

@Rim, yes - we provided comments.

15:30:48 From Rim Cothren to Everyone:

Thanks, Belinda.

15:31:40 From Troy Kaji to Everyone:

+1 to identifying mature technical standards that can be readily adopted and are private and secure. CMS is proposing to strengthen HIPAA privacy and security standards because of ransomware and cyberattacks

15:32:18 From Mark Savage to Everyone:

Hope someone can/will answer Lucy's question.

15:32:59 From DeeAnne McCallin to Everyone:

Just saw an email that the Data Elements to Be Exchanged P&P has posted!

15:33:25 From DeeAnne McCallin to Everyone:

https://www.cdii.ca.gov/wp-content/uploads/2023/12/CalHHS_Data-Elements-to-Be-Exchanged-PP_Final_12-15-2023.pdf

15:34:12 From DeeAnne McCallin to Everyone:

Thank you Lucy for grounding the end of this meeting with the focus on the benefactors of the DxF. We will not lose site of that in 2024

15:34:17 From DeeAnne McCallin to Everyone:

#sight