

# CalHHS Data Exchange Framework Policy and Procedure

<b>Subject: DxF Fees</b>	
<b>Status: Draft</b>	<b>Policy: OPP-15</b>
<b>Publication Date: TBD</b>	<b>Version:</b>

## **I. Purpose**

California Health and Safety Code § 130290 was enacted in 2021 and establishes the creation of the California Health & Human Services Data Exchange Framework (“Data Exchange Framework”), which requires certain data sharing among Participants. The purpose of this policy is to clarify when Participants in the Data Exchange Framework may charge fees to other Participants and to Individuals.

## **II. Policy**

The Data Exchange Framework was created to facilitate the Exchange of Health and Social Services Information among Participants. This policy sets forth the circumstances under which Participants may and may not charge fees to other Participants and to Individuals for the Exchange of Health and Social Services Information.

This policy shall be effective January 31, 2024.

### **1. FEES FOR REQUIRED AND PERMITTED PURPOSES**

a. A Participant shall not charge fees to any other Participant for any Exchange of Health and Social Services Information under the Data Exchange Framework for a Required Purpose, except that a Participant that is an Intermediary may charge fees to another Participant if the Participant that is an Intermediary has executed a contract with the other Participant to provide services. For contracts to provide services to assist another Participant in meeting its obligations under the Data Sharing Agreement, the fees shall be consistent with Applicable Law, including but not limited to the Fees Exception in the Federal Information Blocking Regulations.

b. A Participant may charge fees to another Participant for the Exchange of Health and Social Services Information for a Permitted Purpose to the extent permissible under Applicable Law and the California Information Blocking Prohibitions Policy and Procedure.

### **2. FEES FOR INDIVIDUAL ACCESS SERVICES**

a. A Participant shall not charge fees to an Individual for Individual Access Services, except to the extent permissible under Applicable Law.

b. A Participant shall not charge fees to another Participant in support of Individual Access Services, except that a Participant that is an Intermediary may charge fees to another Participant if the Participant that is an Intermediary has a contract with the other Participant to provide Individual Access Services.

### **3. FEES REQUIRED UNDER APPLICABLE LAW**

a. Notwithstanding Sections II.1. and II.2. above, a Participant may charge another Participant fees that the Participant is required to charge under Applicable Law.

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### III. Definitions

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

### IV. References

California Information Blocking Prohibitions Policy and Procedure

Individual Access Services Policy and Procedure

### V. Version History

No.	Date	Author	Comment
	November 17, 2023	CalHHS CDII	Version released for public comment

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