

# CalHHS Data Exchange Framework Policy and Procedure

<b>Subject: Individual Access Services</b>	
<b>Status: <del>Final</del> Draft</b>	<b>Policy: OPP-7</b>
<b>Publication Date: <del>November 2, 2023</del>TBD</b>	<b>Version: 1.0.42</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 set forth the responsibilities of Participants to enable the right of an Individual or an Individual’s Personal Representative to inspect and obtain a copy of Health and Social Services Information about the Individual in a timely manner.

## **II. Policy**

To the extent permitted by Applicable Law, Participants shall provide an Individual or the Individual’s Personal Representative bidirectional access to the Individual’s Health and Social Services Information in accordance with this policy.

This policy shall be effective as of January 31, 2024.

## **III. Procedures**

### **1. INDIVIDUAL ACCESS**

a. To the extent permitted by Applicable Law, an Individual or an Individual’s Personal Representative has a right of access to inspect and obtain a copy of Health and Social Services Information about the Individual, for as long as the Health and Social Services Information is maintained by a Participant. Notwithstanding the foregoing, if permitted under Applicable Law, a Participant shall have the authority to deny right of access to inspect or obtain a copy of Health and Social Services Information.

b. Participants that maintain Health and Social Services Information for an Individual must respond to the Individual’s or the Individual’s Personal Representative’s request that self-reported Health and Social Services Information be added to the Individual’s health records, and must have a process to correct inaccurate information and for reconciling discrepancies in such records to ensure accuracy.

c. The Participant may require the Individual or the Individual’s Personal Representative to assert their right to access the Individual’s Health and Social Services Information in accordance with the HIPAA Regulations or other Applicable Law. Each Participant shall provide the Individual or the Individual’s Personal Representative with the option of using electronic means (e.g., email or secure web portal) or other such means as determined by the Center for Data Insights and Innovation to assert their rights for Individual Access Services to Health and Social Services Information.

### **2. INDIVIDUAL USE OR DISCLOSURE OF HEALTH AND SOCIAL SERVICES INFORMATION**

a. Individuals shall have the right to use or disclose their own Health and Social Services Information, except for any limitations set forth by Applicable Law.

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### 3. AUTHENTICATION

a. Prior to initiating Individual Access Services, the Participant shall be required to verify the identity of the Individual or the Individual’s Personal Representative using standards and methods consistent with 45 C.F.R. § 164.514(h) or other Applicable Law.

### ~~4. NO FEES FOR INDIVIDUAL ACCESS SERVICES~~

~~a. A Participant may not charge another Participant any fees for Health and Social Services Information exchanged in furtherance of this section.~~

### ~~4.~~ **5. PROCESSING OF INDIVIDUAL ACCESS SERVICES REQUESTS**

a. Participants shall process an Individual or an Individual’s Personal Representative ~~requests~~ request for Individual Access Services as follows:

i. Each Participant that receives a request for Individual Access Services from an Individual or an Individual’s Personal Representative for whom it maintains Health and Social Services Information shall provide such Individual or Individual’s Personal Representative with Individual Access Services in accordance with California Health & Safety Code §§ 123100–123149.5 or other Applicable Law.

ii. Unless otherwise prohibited by Applicable Law, if the Participant does not maintain the Health and Social Services Information that is the subject of the request for access, and the Participant knows where the requested information is maintained, the Participant must inform the Individual or Individual’s Personal Representative where to direct the request for access.

iii. With respect to a Participant query for Individual Access Services, the response shall be provided as required by this policy regardless of whether it was prompted by (a) the Individual or (b) a Participant who provides Individual Access Services and has been selected by the Individual who is requesting Health and Social Services Information for Individual Access Services.

## IV. Definitions

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

## V. References

45 C.F.R. § 164.514(h)

California Health and Safety Code § 130290

California Health & Safety Code §§ 123100–123149.5

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## VI. Version History

<b>No.</b>	<b>Date</b>	<b>Author</b>	<b>Comment</b>
1.0	July 1, 2022	CalHHS CDII	Final
1.0.1	<u>November 2, 2023</u>	CalHHS CDII	<del>Final. Administrative changes to</del> <u>Final. Administrative changes to</u> clarify use of certain terms and ensure consistency with the DxF Glossary of Defined Terms.
1.0.2	<u>TBD</u>	<u>CalHHS CDII</u>	<u>Amended draft for public input (administrative changes to remove language regarding charging of fees).</u>

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