

**California Health & Human Services Agency
Center for Data Insights and Innovation
Data Exchange Framework Implementation Advisory Committee
Data Sharing Agreement Policies and Procedures Subcommittee
Meeting 13 Chat Log (1:30PM – 4:00PM PT, March 6, 2024)**

The following comments were made in the Zoom chat log by Members of the Data Sharing Agreement Policies & Procedures Subcommittee and staff during the March 6 meeting:

16:35:04 From Steven Lane to Everyone:

So cool that we have ONC representation on this committee.

16:36:05 From Steven Lane to Everyone:

<https://www.healthaffairs.org/content/forefront/accelerating-exchange-health-and-human-services-data-improve-outcomes-and-disrupt>

16:36:31 From Steven Lane to Everyone:

ONC is clearly leaning in to support the success and alignment of DxF.

16:38:14 From Jonah Frohlich (he/him) | Manatt to Everyone:



16:41:21 From Matthew Eisenberg to Everyone:

As a standing agenda topic, it would be helpful to have a summary of current state of the DxF. Total number of participants, completed directory entries, and any measurement of actual health and social services information exchange.

16:42:27 From Matthew Eisenberg to Everyone:

Even 10 business days for Participant Directory updates are likely unrealistic or impossible if changes to the portal (access etc.) are needed to complete the task.

16:44:10 From Belinda Luu to Everyone:

@alice K, my colleagues are say that they can't dial into the public Zoom link. Not sure if other members of the public are having problems.

16:44:51 From John Helvey to Everyone:

I agree that 30 Days is more appropriate on the participant Directory

16:45:55 From Jonah Frohlich (he/him) | Manatt to Everyone:

can you not hear me?

16:46:00 From Matthew Eisenberg to Everyone:

No audio..

16:46:29 From Jonah Frohlich (he/him) | Manatt to Everyone:

I am dialing in

16:46:37 From Alice K - Manatt Events to Everyone:

Thanks for flagging, Belinda. Members of the public should be able to join with this link:
<https://manatt.zoom.us/j/93305005362>

16:50:22 From Courtney Hansen, CalHHS CDII (she/her) to Everyone:

This presentation does not constitute legal advice. This is for informational purposes only.

16:50:48 From Steven Lane to Everyone:

Lucy Johns, a member of the public today, texted me and asked that I express her 👍 to Dr. Eisenberg's suggestion re regular metric reporting.

16:51:28 From DeeAnne McCallin, CDII to Everyone:

thank you Steven, Dr. Eisenberg, and Lucy.

16:53:08 From Lee Tien to Everyone:

Does the "class of persons" rule require that the patient know who is in that class?

16:59:41 From Deven McGraw, Ciitizen (she/her) to Everyone:

It's not a subjective judgement - I imagine it's whether the average patient would understand who would be in the class of medical providers or class of health plans...

17:00:50 From Deven McGraw, Ciitizen (she/her) to Everyone:

The provisions regarding disclosure to law enforcement were strengthened, so the point here was to enable common health care system communications with a broad consent but to still protect individuals from unauthorized disclosure to law enforcement.

17:01:35 From John Helvey to Everyone:

+1 Deven

17:02:04 From Rim Cothren, CDII CalHHS to Everyone:

Thanks, Deven.

17:03:24 From Alice K - Manatt Events to Everyone:

The Zoom link for members of the public to join has been updated on the DxF webpage. Again, the public can join here: <https://manatt.zoom.us/j/93305005362>

17:04:22 From Courtney Hansen, CalHHS CDII (she/her) to Everyone:

The P&P allows for a shorter implementation date when necessary to comply with Applicable Law.

17:04:52 From Mark Savage to Everyone:

Just that 12 months is a long time when so much is evolving in real time.

17:10:59 From DeeAnne McCallin, CDII to Everyone:

to SC Members, especially those that have t leave already (though I might have missed a few already if they had to drop at 2 p.m.), please email CDII if you have suggested P&P concepts for 2024 development process. dxs@chhs.ca.gov or deeanne.mccallin@chhs.ca.gov

17:11:52 From Steven Lane to Everyone:

Such a treat to listen to attorneys working things out in real time 😊

17:12:42 From Helen Pfister (Manatt) to Everyone:

Ha ha, Steven Lane!

17:12:46 From Steven Lane to Everyone:

And to have functional alignment between state and federal policies.

17:13:13 From John Helvey to Everyone:

I would propose that we don't muddy the waters with doing anything beyond what exist currently

17:14:32 From Lee Tien to Everyone:

Sorry, did not mean to derail anything with boring lawyer stuff.

17:14:45 From Mark Knee, ONC to Everyone:

me neither :)

17:14:54 From Rim Cothren, CDII CalHHS to Everyone:

All good!

17:20:58 From John Helvey to Everyone:

I support the Non-Participant Intermediaries being required to comply with DxF if that intermediary is serving a participant to support their compliance with the DSA.

17:22:14 From Deven McGraw, Ciitizen (she/her) to Everyone:

I'm not sure how that requirement would be enforced against a nonparticipant intermediary.

17:22:42 From Rim Cothren, CDII CalHHS to Everyone:

John, you might talk about how you would recommend that be addressed. Requiring flow-downs from the Participant using the Intermediary? Or some other way? Feel free to come off mute and voice your thoughts.

17:23:12 From Mark Knee, ONC to Everyone:

beyond fees, wouldn't there be a gap in the privacy and security requirements for the network if the non-participant intermediary is not required to sign an agreement with flow-downs? in TEFCA, we require all participants and subparticipants to sign a framework agreement with required flow-downs as that seems necessary to ensure the trust of the network.

17:24:28 From Deven McGraw, Ciitizen (she/her) to Everyone:

Could be a business advantage for intermediaries who agree to the flow-downs

17:24:59 From Deven McGraw, Ciitizen (she/her) to Everyone:

If participants are responsible for choosing their intermediary vendors wisely....

17:26:02 From Deven McGraw, Ciitizen (she/her) to Everyone:

For sure if the participant is a HIPAA-covered entity, the intermediary would at a minimum be a business associate in most cases. Apps chosen by individuals for individual access would be an exception

17:31:54 From Mark Savage to Everyone:

Second scenario to consider, recalling OCR's statement in its NPRM in January 2021, that providers can send health data to CBOs, etc., who are not covered entities or BA for purposes of treatment, and plans, for operations.

17:34:00 From Lee Tien to Everyone:

Heading out, thanks all.

17:34:07 From DeeAnne McCallin, CDII to Everyone:

thanks Lee

17:35:00 From Belinda Luu to Everyone:

Please consider reverting to USCDI v1 as floor (per SVAP), V2 as preferred and V3 to be implemented in conjunction with required federal regulations.

17:35:42 From DeeAnne McCallin, CDII to Everyone:

TASC is the new DxF Technical Assistance Subcommittee

17:36:13 From Mark Savage to Everyone:

Worth asking Mark Knee, if he knows, why deprecated from SVAP, to help inform this discussion?

17:36:33 From DeeAnne McCallin, CDII to Everyone:

Technical Advisory, not "Assistance", Subcommittee

17:37:51 From Mark Knee, ONC to Everyone:

https://www.healthit.gov/sites/default/files/2023-07/2023_SVAP_Fact_Sheet.pdf

17:39:54 From Louis Cretaro - CWDA to Everyone:

Does this mean that developers have to wait for approved changes in regulation or that no new development can be done for v2.

17:40:22 From Mark Knee, ONC to Everyone:

I agree with what Dr. Lane said

17:40:44 From Steven Lane to Everyone:

<https://www.healthit.gov/isa/united-states-core-data-interoperability-uscdi#uscdi-v3>

17:41:05 From Steven Lane to Everyone:

<https://www.healthit.gov/topic/standards-version-advancement-process-svap>

17:42:19 From Mark Knee, ONC to Everyone:

agree with Jason as well

17:42:21 From John Helvey to Everyone:

+1 for Jason Buckner's comment

17:42:24 From Jonah Frohlich (he/him) | Manatt to Everyone:

<https://www.healthit.gov/topic/laws-regulation-and-policy/health-data-technology-and-interoperability-certification-program> - to Steven's comments re: V3 going live Monday

17:43:38 From Steven Lane to Everyone:

Pointing at V3 does NOT create a requirement for exchange. It provides a target and invites participants to use the standards identified in v3 to support meaningful data exchange.

17:44:01 From Jonah Frohlich (he/him) | Manatt to Everyone:

@Jackie - if you are asking about V3 going live Monday, the answer is no. V3 going live is with respect to the EHR certification program

17:44:14 From Jonah Frohlich (he/him) | Manatt to Everyone:

sorry, the Health IT certification program

17:45:30 From Steven Lane to Everyone:

When implementing interoperability solutions there is often a need to decide what data to include and what Applicable Vocabulary Standards to utilize. Having the current federally approved standard of USCDI identified as a target for DxF aligns us with the direction of the industry.

17:45:36 From Jonah Frohlich (he/him) | Manatt to Everyone:

Right, specifically - HTI-1 "Adopts the United States Core Data for Interoperability (USCDI) Version 3 (v3) as the new baseline standard within the ONC Health IT Certification Program (Certification Program) as of January 1, 2026"

17:47:36 From John Helvey to Everyone:

How are these requirements enforced? What does it mean for a participant who is meeting v1, v2, v3, or any future evolution.

17:48:54 From Steven Lane to Everyone:

Sadly, there is not DxF enforcement.

17:50:11 From Steven Lane to Everyone:

+1 to Mark's comment about "push". We should really shine a light on the need for this, and the option of further encouraging the use of Direct and/or TEFCA Message Delivery standards.

17:50:26 From Mark Savage to Everyone:

+ 1 on DxF enforcement authority. I think it's already there and does not require a new statute.

17:50:33 From Mark Knee, ONC to Everyone:

Is there a plan for enforcement? If not, what mechanism will be used to make sure folks are following the rules?

17:51:31 From John Helvey to Everyone:

How is USCDI version compliance even measurable outside of a certification process like the EMR's...

17:51:40 From Steven Lane to Everyone:

Welcome to CA, Mark!

17:51:53 From Mark Knee, ONC to Everyone:

ha, the wild west!

17:52:20 From Louis Cretaro - CWDA to Everyone:

Did you have any topics from the survey done last year?

17:52:31 From Steven Lane to Everyone:

Everyone in CA just does the right thing for the greater good, no need for enforcement.

17:52:52 From Jonah Frohlich (he/him) | Manatt to Everyone:

I'm saving this chat log...

17:53:44 From John Helvey to Everyone:

I thought they were all saved

17:54:30 From Steven Lane to Everyone:

A bit of whiplash here as we transition from the past couple of years of rapid P&P development, finalization and iteration, to this new model where change will be slow, deliberative, and potentially falling behind federal requirements.

17:54:31 From Jonah Frohlich (he/him) | Manatt to Everyone:

They are, but they don't tend to be this whimsical.

17:54:54 From John Helvey to Everyone:



17:57:31 From Jason Buckner (MX) to Everyone:

Enforcement is needed, but we don't even have reporting of all the orgs required to sign the DSA, which have signed it and which have made an entry into the directory. We can't even consider enforcement without this reporting as a baseline.

17:59:22 From Mark Knee, ONC to Everyone:

Agree with Deven

17:59:52 From Mark Savage to Everyone:

Sounds like yes, we should work on this.

18:00:12 From John Helvey to Everyone:

Ditto to Jason's comment

18:00:29 From Rim Cothren, CDII CalHHS to Everyone:

Thanks, all.