



**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 Transcript (1:30PM – 4:00PM PT, March 6, 2024)**

The following text is a transcript of the March 6, 2024 meeting of the California Health & Human Services Agency and Center for Data Insights and Innovation Data Exchange Framework Implementation Advisory Committee, Data Sharing Agreement Policies and Procedures Subcommittee. The transcript was produced using Zoom’s transcription feature. It should be reviewed concurrently with the recording – which may be found on the CalHHS Data Exchange Framework [website](#) - to ensure accuracy.

[Alice K - Manatt Events] 16:30:22

My name is Alice and I'll be in the background to support with Zoom. If you experience technical difficulties, please type your question into the Q&A.

[Alice K - Manatt Events] 16:30:30

Live close captioning will be available. Please click on the CC button to enable or disable.

[Alice K - Manatt Events] 16:30:38

There are few ways attendees may participate today. Participants may submit written comments and questions with the Zoom Q&A box.

[Alice K - Manatt Events] 16:30:47

All comments will be recorded and reviewed by CDII staff. Participants may also submit comments and questions as well as requests to receive data exchange.

[Alice K - Manatt Events] 16:30:55

Framework updates to dxs@chhs.gov. Any questions that require follow-up should be sent to that email.

[Alice K - Manatt Events] 16:31:06

That's dxs@chhs.gov.

[Alice K - Manatt Events] 16:31:12

Members of the public and DSA PNP subcommittee members must raise their hand for Zoom facilitators to unmute them to share comments.

[Alice K - Manatt Events] 16:31:20

The chair will notify participants and members of appropriate time to volunteer feedback. If you logged in via Zoom interface, press raised hand.

[Alice K - Manatt Events] 16:31:29

And the reactions button on your screen. Select it to share your comment. You'll receive a request to unmute.

[Alice K - Manatt Events] 16:31:36

Please ensure that you accept before speaking. If you dialed in via phone only, press star 9 on your phone to raise your hand.

[Alice K - Manatt Events] 16:31:43

And listen for your phone number to be called. Selected to share your comment, please ensure you are unmuted on your phone by pressing star 6.

[Alice K - Manatt Events] 16:31:51

Public comment will be taken during the meeting at Designated Times. And will be limited to the total amount of time allocated for public comment on particular issues.

[Alice K - Manatt Events] 16:32:01

The chair will call on individuals in the order in which their hands were raised. Individuals will be given 2 min.

[Alice K - Manatt Events] 16:32:08

Please state your name and organizational affiliation when you begin. Participants are also encouraged to use the Q&A to ensure all feedback is captured.

[Alice K - Manatt Events] 16:32:16

Or again, you may email comments. To dxs@chhs.ca.gov.

[Alice K - Manatt Events] 16:32:26

And with that, I'd like to introduce Dean McCallum, Deputy Director of the Center for Data Insights and Innovation.

[DeeAnne McCallin, CDII] 16:32:32

Hi everyone, thanks for joining us today for the thirteenth meeting of the Cal HHS data exchange framework, data sharing, agreement, policies and procedures, subcommittee.

[DeeAnne McCallin, CDII] 16:32:44

What a name we got, right? I think many of you know, but if you don't, I'm Diane, with and I'm chair of this subcommittee.

[DeeAnne McCallin, CDII] 16:32:54

Our discussion today will focus on a few items and overview of an upcoming public comment. Input period.

[DeeAnne McCallin, CDII] 16:33:02

Public input is about proposed administrative modifications as opposed to public comment. Very similar but slightly different. An update on the publication of the part 2 final rule.

[DeeAnne McCallin, CDII] 16:33:15

Timeline for modifying the DSA or. Of modifying or developing and modifying at PNPs.

[DeeAnne McCallin, CDII] 16:33:23

And potential PMP concepts to prioritize for 2024 advancement. We'll begin with a quick roll call.

[DeeAnne McCallin, CDII] 16:33:33

If the slides are lagging today or anything like that, it's on me because I'm gonna be trying to do the slide forward.

[DeeAnne McCallin, CDII] 16:33:42

Apologies in advance if I mess up anybody's name. So I am here, Courtney.

[DeeAnne McCallin, CDII] 16:33:49

I believe you're back.

[Courtney Hansen] 16:33:50

Hello, I'm here.

[DeeAnne McCallin, CDII] 16:33:51

Hi, Bill Barcelona.

[DeeAnne McCallin, CDII] 16:34:01

Stellie Brown.

[Louis Cretaro - CWDA] 16:34:03

Okay.

[DeeAnne McCallin, CDII] 16:34:06

Over 2. Jason Buckner.

[Jason Buckner (MX)] 16:34:10

Present.

[DeeAnne McCallin, CDII] 16:34:11

Thanks. Lewis Curtaro.

[DeeAnne McCallin, CDII] 16:34:17
Thanks. Matthew Heisenberg.

[Matthew Eisenberg] 16:34:20
Here I will only be able to stay on for a brief period of time today. Sorry.

[DeeAnne McCallin, CDII] 16:34:24
Okay, thanks for joining us when you could. John Healthy. Hello, Sanjay Dane.

[John Helvey] 16:34:28
Present.

[Sanjay Jain] 16:34:31
President, good afternoon.

[DeeAnne McCallin, CDII] 16:34:33
Good afternoon, Diana Cam for Tong.

[Diana Kaempfer-Tong CDPH] 16:34:36
Present.

[DeeAnne McCallin, CDII] 16:34:37
Thank you. Hi. Oh, I see Shelley Brown has joined. Hi, Shelley.

[Michelle Brown] 16:34:41
Hi, I'm here.

[DeeAnne McCallin, CDII] 16:34:42
Okay.

[Mark Knee] 16:34:46
But I will only be able to join for about 45 min.

[DeeAnne McCallin, CDII] 16:34:49
Okay, thank you for joining us and you are and also if I miss anybody who's new to the subcommittee, I think you're new to the subcommittee.

[DeeAnne McCallin, CDII] 16:34:57
This with this meeting or this year, welcome and if you're not new apologies.

[Mark Knee] 16:35:02
Yeah, thanks.

[DeeAnne McCallin, CDII] 16:35:04

Alrighty, Stephen Lee?

[Steven Lane] 16:35:06
Hello, hello.

[DeeAnne McCallin, CDII] 16:35:07
Hello, Kelvin.

[Kelby Lind, PPAC] 16:35:12
Present.

[DeeAnne McCallin, CDII] 16:35:13
Hi, Sonny Lal.

[Sunny Lowell] 16:35:16
I'm here, thank you.

[DeeAnne McCallin, CDII] 16:35:16
Hi, Sunny. Belinda Lou.

[Belinda Luu] 16:35:20
President, hi.

[DeeAnne McCallin, CDII] 16:35:21
Hello, Devon McGraw.

[Deven McGraw, Ciitizen (she/her)] 16:35:24
Present.

[DeeAnne McCallin, CDII] 16:35:25
Hello, Jacky Nordov.

[Jackie Nordhoff] 16:35:27
President, good afternoon.

[DeeAnne McCallin, CDII] 16:35:29
Hi. Mark Savage. Hello, Tom Schrodinger.

[Mark Savage] 16:35:31
Hello.

[DeeAnne McCallin, CDII] 16:35:37
We're on a good run. Okay, Elizabeth Stefan.

[Elizabeth Steffen - Plumas District Hospital] 16:35:43

I can only be on until 2 o'clock.

[DeeAnne McCallin, CDII] 16:35:45

Okay, look, we might have to shorten the meeting. You know, we have public comment ready for later.

[DeeAnne McCallin, CDII] 16:35:50

And a lot of good content.

[Lee Tien] 16:35:54

Yeah, I'm here. I'm also gonna have to leave a little early, although I'm not sure exactly when.

[DeeAnne McCallin, CDII] 16:35:58

Okay, and remember everyone for and I'll go and Belinda Waltman had let us know that she had a conflict with the DHCS meeting so she's not here today and I think that's everybody.

[Lee Tien] 16:35:59

Thanks.

[DeeAnne McCallin, CDII] 16:36:10

So reminder to everyone we do post. The recording, the transcript, the QA, everything like that.

[DeeAnne McCallin, CDII] 16:36:19

If there's anything substantive, really big, will do some outreach to the subcommittee members afterwards for the number who express that they need to leave early.

[DeeAnne McCallin, CDII] 16:36:33

But a lot of the entire meeting is captured and available for people to read up on and catch up on after the meeting.

[DeeAnne McCallin, CDII] 16:36:37

Alrighty, so I'm speaking through these next 2 or so hours. My colleague Rim Cochran, independent consultant but works with CDI.

[DeeAnne McCallin, CDII] 16:36:46

Practically, 24 7 and then partners from Menat Health, Jonah Frolic and Helen Fister with us doing some presenting today as well.

[DeeAnne McCallin, CDII] 16:36:59

The vision for. Data exchange framework once implemented. Across data across California data exchange framework will create new connections and efficiencies between health and social service providers improving.

[DeeAnne McCallin, CDII] 16:37:15

Whole person care. We know that every Californian in the health and human service providers and organizations that care for them will have timely and secure access.

[DeeAnne McCallin, CDII] 16:37:26

To usable information that is needed to address their health and social needs and enable the effective and equitable delivery of services to improve their lives and well-being.

[DeeAnne McCallin, CDII] 16:37:37

So that is all part of the vision. Reminder that this is our North Star to keep in mind throughout today's discussion and thank you for all of your efforts for helping to improve.

[Michelle Brown] 16:37:39

Oh Okay.

[DeeAnne McCallin, CDII] 16:37:49

The health wifes and wellbeing of Californians and participating and contributing to help. A successful data exchange framework.

[DeeAnne McCallin, CDII] 16:38:00

Meaning objectives, so. Providing an overview of upcoming, the upcoming public intent period or input period for a couple of PMPs.

[DeeAnne McCallin, CDII] 16:38:16

Present an update on the publication of the part 2 final rule. I always kind of trip on the objective in the agenda because they're very similar.

[DeeAnne McCallin, CDII] 16:38:26

So maybe one day we'll move them into one. Discuss process and timeline for modifying the DSA or developing or modifying the PMPs, which is a reminder that now that it's past January, the 30 first we have a PNP in effect that is our guide for how we do any modifications henceforward.

[DeeAnne McCallin, CDII] 16:38:44

Or developing new ones and discuss potential new PNP concepts to advance in 2024 so works out that everything in the objectives crosswalks to the agenda, which is always very nice.

[DeeAnne McCallin, CDII] 16:38:58

And with that, let's see, I think we just. Dive right in. I'm talking so I'm not seeing things in chat and questions and, we'll just pay attention to all that as we go.

[DeeAnne McCallin, CDII] 16:39:10

So this slide is where CVI recently published as in I think this week if not I think it was this week.

[DeeAnne McCallin, CDII] 16:39:20

A new version of the California information blocking prohibitions PNP it was open for a second time for administrative modification and it was just finalized that there were no objections to the, proposed modifications and we reposted it.

[DeeAnne McCallin, CDII] 16:39:38

And then teed up for this week for publishing on CDIs web page, our modifications for participant directory and administrative modifications proposed technical requirements for exchange and there is more information on these 2 in upcoming slides.

[DeeAnne McCallin, CDII] 16:39:58

Not sure which one All right, really full slides, lots of words here. But it covers that the proposed administrative modifications once it's posted it'll be about 30 days so we're looking It'll be posted early March and it will be open for a 30 day.

[DeeAnne McCallin, CDII] 16:40:19

Comment period on agreeing whether it's. Whether you object that it's. Administrative in nature or not and it's not just you subcommittee members is for anybody and member members at large.

[DeeAnne McCallin, CDII] 16:40:34

The public stakeholders anybody can go in and submit these comments or object or agree with. What we're actually changing is that we are proposing to revise the technical requirements for exchange PMP.

[DeeAnne McCallin, CDII] 16:40:48

To align with the requirements of the participant directory PNP. So our previous version of the technical requirements for exchange PNP existed before the development of the participant directory PNP, which was finalized in January of this year because of public comment on that participant directory PNP, we saw a disconnect with something in the technical requirements.

[DeeAnne McCallin, CDII] 16:41:14

So it's an administrative modification to a line with the other PNP that also went through public common and was approved.

[DeeAnne McCallin, CDII] 16:41:24

And we are revising, proposing to revise the participant directory PNP, which is the new one in January, to align all deadlines.

[DeeAnne McCallin, CDII] 16:41:33

To 10 business days. There was one occurrence where it was cited as 10 calendar days within that document.

[DeeAnne McCallin, CDII] 16:41:41

So an administrative change. And then in both of these included in the administrative change is revising language.

[DeeAnne McCallin, CDII] 16:41:49

Regarding the effective date. So this is an administrative change that reflects that policies are now effective upon publication rather than the past date of January, the 30 first.

[DeeAnne McCallin, CDII] 16:42:01

So for example, if we finalize and publish these on April, the fifteenth, if we did not make the state change, then it would have we would have been publishing something April, the fifteenth, 2,024 that was effective back on January 30 first 24.

[DeeAnne McCallin, CDII] 16:42:18

So we are proposing henceforward when we make these administrative changes that we. Make them upon publication as opposed to the date that we have crossed.

[DeeAnne McCallin, CDII] 16:42:26

And all of these will be posted on our web page and it's a Microsoft form and I'll be open for 30 days.

[DeeAnne McCallin, CDII] 16:42:36

So I will pause and see if there's anything that any of. The members of the committee. Would like to talk about and I see a hand raised.

[DeeAnne McCallin, CDII] 16:42:43

Go ahead, Matthew.

[Mark Knee, ONC] 16:42:45

Thanks, Steve.

[Matthew Eisenberg] 16:42:46

And so I put it in the chat, but just 2 comments. One specifically around the participant directory and I have some personal experience here.

[Matthew Eisenberg] 16:42:55

If someone needs to change something in the portal to grab appropriate access because multiple people from our organization were involved in the completion of the DSA.

[Matthew Eisenberg] 16:43:08

Having 10 days may not be adequate or possible at all. Because that requires additional time. From the team to support and make those changes.

[Matthew Eisenberg] 16:43:15

So, you know, it makes more sense, frankly, to be if we really want to be honest about a 30 day period or something like that if additional access to the portal is required.

[Matthew Eisenberg] 16:43:25

And then the other point is a simple one, which is would be very, very helpful as part of this meeting to get an update.

[Matthew Eisenberg] 16:43:32

As part of our standing agenda on the status of the framework. Who is in? What is the current participant level?

[DeeAnne McCallin, CDII] 16:43:39

Oh.

[Matthew Eisenberg] 16:43:39

How is the directory being populated? And is there any measurement of actual health and social services information exchange that has grown since the the actual implementation on the 30 first of January.

[Matthew Eisenberg] 16:43:53

Thank you.

[DeeAnne McCallin, CDII] 16:43:53

Okay, good input. Thank you. And some of what you say is what we do incorporate in the IC meeting so you are all accustomed to hearing it when we have those joint meetings and then it disappears.

[DeeAnne McCallin, CDII] 16:44:05

Here in this particular platform. So, okay, thank you for the input and noted about participant directory suggestion for 30 days.

[DeeAnne McCallin, CDII] 16:44:13

Now that type of 30 day would not fit into the publishing this week intent for proposed modifications. That would be something that we take and put into like our development roadmap of things to consider and change.

[DeeAnne McCallin, CDII] 16:44:28

Because it's not one of the things that will be in that Microsoft form soliciting whether you agree to the intent is being administrative.

[DeeAnne McCallin, CDII] 16:44:38

Are there any other questions? Either in chat or that anyone would like to give verbally?

[DeeAnne McCallin, CDII] 16:44:53
You ready?

[DeeAnne McCallin, CDII] 16:44:59
Okay, thank you. So where am I?

[Mark Savage] 16:45:06
And I'll just flag what's in the chat about difficulty with Zoom. Access. I'm sure somebody else is handling it, but just making sure.

[Mark Savage] 16:45:14
We're all aware.

[DeeAnne McCallin, CDII] 16:45:14
Thank you. Yes, thank you. And yeah, that it's it is in chat. So if anybody is able to help address that.

[DeeAnne McCallin, CDII] 16:45:23
I typically am not on email troubleshooting access during these meetings. And with this I bring, I turn this over to Jonah for look to talk to us a bit about the federal part 2 final rule.

[John Helvey] 16:45:45
Jonah, you're muted.

[DeeAnne McCallin, CDII] 16:45:59
And is still muted. Yes, we cannot hear you yet.

[DeeAnne McCallin, CDII] 16:46:10
I can certainly read this slide, but we all can do that.

[DeeAnne McCallin, CDII] 16:46:20
Jonah, if you're able to through chat, let us know if you're able to dial in as well on top of being logged in.

[DeeAnne McCallin, CDII] 16:46:32
He's dialing in. Great, thanks. Entering this, There he is. I feel like I hear you.

[Matthew Eisenberg] 16:46:37
Okay. Okay. Sorry about that. There's something wrong with my next phone on my computer.

[Matthew Eisenberg] 16:46:46

Okay. So, I'm not an attorney, but I'm going to provide an overview of part 2, final rules that came out very recently.

[Matthew Eisenberg] 16:46:57

There's some definitely significant updates that are relevant for Data Exchange in California. And wanna make sure that folks are up just up to date on what those, what those changes, are about.

[Matthew Eisenberg] 16:47:11

So first of all, Just to be really clear, the final rule applies to what's called part 2 programs.

[Matthew Eisenberg] 16:47:19

And the way that the part 2 programs are defined is for 3 elements to it. And this is actually often misunderstood.

[Matthew Eisenberg] 16:47:27

Number one is that it's an individual or an entity. And if I was in general medical facility, excuse me, that holds itself out as providing or provides substance use disorder diagnosis treatment or referral for treatment.

[Matthew Eisenberg] 16:47:41

So it's not like a general Q care hospital where somebody might come that's in an acute event.

[Matthew Eisenberg] 16:47:45

It's an entity that says we provide substance use disorder diagnosis other than a general medical facility. That's number one.

[Matthew Eisenberg] 16:47:51

Number 2, it may be an identity. An identified unit within a general medical facility that holds itself out as doing the same as above.

[Matthew Eisenberg] 16:47:58

So it could be a unit within a hospital that does actual substance use, disorder treatment programs. And all this itself out as providing those.

[Matthew Eisenberg] 16:48:08

The third is that their medical personnel or other staff in that facility whose primary function is to provide substance use to sort diagnosis treatment or referral for treatment.

[Matthew Eisenberg] 16:48:18

And then the other important piece about this is around federal assistance. So this is really around payment, but it's defined broadly as programs that are conducted by a department or agency of US.

[Matthew Eisenberg] 16:48:30

That are carried out under a license certification, registration or other authorize grantee. By that department and that they are supported by funds provided by a department agency of the United States.

[Matthew Eisenberg] 16:48:42

Or that have that, Texas get status. So just important the context of what part 2 is.

[Matthew Eisenberg] 16:48:50

This isn't about every substance used to sort of treatment. This isn't about every substance use disorder treatment program.

[Matthew Eisenberg] 16:48:52

It is very specific. So it, so sometimes this gets conflated when people are talking about part 2.

[Matthew Eisenberg] 16:48:59

That's number one. If we can go to the next slide. Now the changes that were made were actually pretty profound.

[Matthew Eisenberg] 16:49:05

And they're important for a number of reasons. First of all, the overarching sort of concept is that part 2 has shifted it and the rules around around using disclosures has shifted more to a line under, with HIPAA.

[Matthew Eisenberg] 16:49:22

It's not completely aligned, but Far more line than it was before. This more flexibility.

[Matthew Eisenberg] 16:49:29

So for example, There's now a streamlined consent, provisions that are, that are designed.

[Matthew Eisenberg] 16:49:36

To align part 2 authorizations with HIPAA. And what that means now is that consent forms that people are signing or can sign.

[Matthew Eisenberg] 16:49:46

Around disclosure. So if I have a part 2, if I have received part 2, services treatment services.

[Matthew Eisenberg] 16:49:56

And I want my caregiver to share information with my primary care clinician. Then that form will allow.

[Matthew Eisenberg] 16:50:05

Me to consent to disclose that for future treatment payment and health care operations using just a single form. With no defined exception date.

[Matthew Eisenberg] 16:50:15

And that's different and that's important. Because there were things like that there were, requirements to specify those things.

[Matthew Eisenberg] 16:50:24

It's important to note. Thank you. I should have the from Courtney. This is a little disclaimer.

[Matthew Eisenberg] 16:50:33

This is not legal advice. I did say I was not an attorney. But I should also say this is not legal advice.

[Matthew Eisenberg] 16:50:40

The second thing that's important to note is now what the implication is under state law because CMI actually does have an expiration date.

[Matthew Eisenberg] 16:50:50

And specifically it like limits the duration. Of the authorization to one year or less unless the person specifically says.

[Matthew Eisenberg] 16:50:57

The authorization goes beyond one year. So standard forums in California and CMIA need to have that one year authorization expiration, which means you have to renew every year.

[Matthew Eisenberg] 16:51:07

Under part 2 that rule does not apply. So federal rules are now a little bit less. Prohibited then CMI in that regard.

[Matthew Eisenberg] 16:51:15

The second thing that's really important is that consent forms can use a description of a class of persons who may receive the information and not just actual individual entities.

[Matthew Eisenberg] 16:51:24

So I might, for example, on the form it might say health plans, you know, that that provide services.

[Matthew Eisenberg] 16:51:32

As opposed to Jonas health plan.org and listing every single provider that might be disclose this information.

[Matthew Eisenberg] 16:51:42

So that's that's another significant change. The fire roll also allows the HIPAA covered entities and business associates that receive part 2 records under this new framework to re-disclose those patients.

[Matthew Eisenberg] 16:51:53

Those patient records without a new authorization. Long as it's in a accordance with HIPAA treatment operations.

[Matthew Eisenberg] 16:52:00

Alright, so that's also very important. It's not like a I consent to release every time.

[Matthew Eisenberg] 16:52:05

If they've consented to release, then as long as it follows the rules, according to HIPAA.

[Matthew Eisenberg] 16:52:11

Then they can be redisclosed for treatment operation purposes. That's the that's the first set of major takeaways.

[Matthew Eisenberg] 16:52:18

Second. Next slide, please.

[Matthew Eisenberg] 16:52:21

There are some descriptions of the implications for intermediaries. And it's really important that we understand here.

[Matthew Eisenberg] 16:52:30

The D exchange framework uses the term intermediaries. So does the part 2 final rule and they are not the same thing.

[Matthew Eisenberg] 16:52:36

In fact, HHS is for the refining its definition of intermediary. So what is in the final rule is as follows.

[Matthew Eisenberg] 16:52:44

The final rule defines intermediaries as a person other than a part 2 program covered entity or business associate that's received records under a general designation in a written patient consent to be disclosed to one or more of its members.

[Matthew Eisenberg] 16:52:59

Where's a relationship with that patient? So that could include like a research institution. Or care coordination that is not subject to HIPAA.

[Matthew Eisenberg] 16:53:10

And the member participants of an intermediary may or may not be covered. The second issue is that participants who have signed the DSA but are not covered entities or business associates are gonna need to consider whether or not they constitute intermediaries and we can't provide that guidance to you.

[Matthew Eisenberg] 16:53:28

We can't make a determination. You may or may not be an intermediary in this case. That's important that it's your potential intermediary you think you might fall into that class.

[Matthew Eisenberg] 16:53:40

You will want to and there's part to information that you either are or. Have clients that you believe would want to share that data, you will want to get a ruling on whether or not this applies to you.

[Matthew Eisenberg] 16:53:52

And again, just important to note that when the DXF uses intermediaries, it's a different definition for when the final uses intermediaries.

[Matthew Eisenberg] 16:54:01

There's one more slide in this. That's important just to note. Intermediaries in the final rule.

[Matthew Eisenberg] 16:54:12

Are gonna be required to disclose, provide a list of all these disclosures that have been made over the past 3 years upon request.

[Matthew Eisenberg] 16:54:21

So if a patient comes by and say, I want to know everyone to an intermediary. Oh no, everyone you've shared in my information with.

[Matthew Eisenberg] 16:54:27

Over the last 3 years, that intermediary has to show, has to disclose that.

[Matthew Eisenberg] 16:54:33

When those disclosures are to an intermediary and they do not have a treating provider relationship with the patient.

[Matthew Eisenberg] 16:54:40

Written consent actually include the name of the intermediate and the names of the all the member participants. And if the intermediate does have a treatment, provide a

relationship with the patient, a general designation of the participant or class of participation.

[Matthew Eisenberg] 16:54:54

That basically means the participant. That basically means If I have this provider relationship, I could say I shared with health plans and these providers, primary care providers as opposed to in the first sub-bullet.

[Matthew Eisenberg] 16:55:05

Jonah Frolics health plan.org or other provider specific providers who got it in terms of the implication for the DSA and policy and procedures.

[Matthew Eisenberg] 16:55:20

Just, you know, again, this is an informational item. If there's no action required this time, we do not anticipate based on this final rule that will be changes to the DSA or the PNPs.

[Matthew Eisenberg] 16:55:33

It doesn't change anything with the spent 2 technical requirements or data elements to be exchanged or private security policies.

[Matthew Eisenberg] 16:55:38

So. Those do not change. This is really meant just for organizations in California who might be. Handling Part 2 data that the that the federal rules have changed.

[Matthew Eisenberg] 16:55:49

And the other thing is that in California, we still have CMI and applicable law. And as we just discussed in some cases that applicable law.

[Matthew Eisenberg] 16:55:59

It is more, restrictive when it comes to things like the time, the time it must be enumerated on that consent form.

[Matthew Eisenberg] 16:56:08

And the expiration of it.

[Matthew Eisenberg] 16:56:11

Okay. So that's, sort of the public service announcement around part 2. And the updated rules that were promulgated.

[Matthew Eisenberg] 16:56:21

I think, Lee, the answer to the question does the class of persons rule require that the patient know who is in that class.

[Matthew Eisenberg] 16:56:29

I think it depends on whether or not they have the intermediary that the provider relationship. So if the class of persons does not have that relationship, they need to know the individuals, and the names of the individuals within that class.

[Matthew Eisenberg] 16:56:45

Otherwise, they don't. That's my understanding. Again, I'm not a lawyer, but I think that's, I think that's correct.

[Lee Tien] 16:56:52

Thanks, Jenna.

[Matthew Eisenberg] 16:56:52

Does anybody else wanna comment or correct or

[DeeAnne McCallin, CDII] 16:57:01

I'll, this is Dean. I'll add on that CDI does recommend that if somebody needs more detailed information.

[DeeAnne McCallin, CDII] 16:57:11

That they reach out to the federal authorities for clarification. So as as Jonah said, this is like a public service announcement.

[DeeAnne McCallin, CDII] 16:57:21

And that if you if this is is bubbling up questions in your mind, then we would we would ask that you go to the federal authority.

[DeeAnne McCallin, CDII] 16:57:31

Since it's not our role.

[DeeAnne McCallin, CDII] 16:57:38

Unless of course you see something that you're like, how does this impact the DXF?

[DeeAnne McCallin, CDII] 16:57:45

Or vice versa or I'm seeing this and it changes that or might that type.

[DeeAnne McCallin, CDII] 16:57:54

Alright, any I don't see any questions. No chat, no hands raised. There's one.

[DeeAnne McCallin, CDII] 16:58:02

Wait long enough. Go ahead, Mark.

[Mark Savage] 16:58:03

Yes. So I, I don't think it's generally good practice to change wording because a federal another rule comes out but I'm wondering if you if you think there's enough confusion with the word intermediaries.

[Matthew Eisenberg] 16:58:18
Gotcha.

[Mark Savage] 16:58:18
And it's worth considering a a label change. I mean, it said, you know, this, it's really a question. Is this big enough or not?

[Mark Savage] 16:58:28
Because That can't be the approach across everything that you. The moment and, and Bible is duplicated, you change something.

[Matthew Eisenberg] 16:58:32
Right.

[Matthew Eisenberg] 16:58:37
Yeah. You know,

[Matthew Eisenberg] 16:58:42
Changing something like this. Can be a challenge just in terms of the time line and like you said there's cause it takes them off.

[Matthew Eisenberg] 16:58:52
For all that resolve and, but there are some advantages because it can reduce confusion. I do think we may want to consider whether the glossary.

[Matthew Eisenberg] 16:59:04
Explicitly calls out. The distinction between this use of the term and how it's used in the part 2 rule.

[Matthew Eisenberg] 16:59:12
So I think we should just take that back and consider it.

[Matthew Eisenberg] 16:59:16
And the glossary doesn't have to go through the same process as a PNP change.

[DeeAnne McCallin, CDII] 16:59:26
And it could potentially go to the same. You could, maybe we don't even change it. Maybe it's like just citing.

[Matthew Eisenberg] 16:59:27
Next slide.

[DeeAnne McCallin, CDII] 16:59:33
Okay, take note, this is different then. Part 2 definition and then good point.

[Courtney Hansen, CalHHS CDII (she/her)] 16:59:42

I do just wanna. Correct, Jonah, just a little bit. There may be occasions where we would go through a regular process to change the.

[Courtney Hansen, CalHHS CDII (she/her)] 16:59:52

Glossary if it had a you know if we were to, changing the definition of something that's something we may want to consider doing through the full process.

[DeeAnne McCallin, CDII] 17:00:08

That's a great point, Courtney, because it if we're looking at the glossary to change any words, CDI will definitely be looking.

[] 17:00:16

Okay.

[DeeAnne McCallin, CDII] 17:00:17

Across any of the material where that word is used to see if it's a substantive. Change.

[DeeAnne McCallin, CDII] 17:00:28

Good call up.

[DeeAnne McCallin, CDII] 17:00:35

All right, shall we move on?

[DeeAnne McCallin, CDII] 17:00:39

Thank you, Jonah.

[DeeAnne McCallin, CDII] 17:00:45

Overview of the process for modification of the DSA or development of the modification of PNPs, which is also tripping me today because that's worded slightly differently.

[DeeAnne McCallin, CDII] 17:00:56

I think then the actual PNP, but it's all the same in us because we're not developing a DSA anymore.

[DeeAnne McCallin, CDII] 17:01:02

We, but we may be developing PMPs in the future.

[DeeAnne McCallin, CDII] 17:01:08

So here is a timeline of what is now in play because we have passed the effective implementation date of January, the 30 first, 2,024.

[DeeAnne McCallin, CDII] 17:01:20

Basically once, concept of a new PMP or a substantive revision and then it's I don't know if this timeline captures the administrative revisions.

[DeeAnne McCallin, CDII] 17:01:36

It's it's more it's the development and modification substantive or material. Would be month one for cdi with minute we seek input from the subcommittee and we draft language we take that, we come together with the language, then we post it for public comments.

[DeeAnne McCallin, CDII] 17:01:53

Then it comes in and we update if it's a modification to the DSA or a PNP, we update that.

[DeeAnne McCallin, CDII] 17:02:02

Or we get ready to publish a new PNP and then in that PNP and this is what came from a lot of stakeholders at about a year ago if not longer of when that can be effective and it will be plus 180 days from when Earlier we mentioned changing to effective date is the public.

[DeeAnne McCallin, CDII] 17:02:24

Publication date. So it'll be plus 180 days so that we're not able to just put something into play unless it's in complete response.

[DeeAnne McCallin, CDII] 17:02:35

Which is somewhere else in our P and P is about like. Like if it's, I might need Courtney for what the terminology is, but it's about if we need to make a change on a dime because of a applicable law, like a new law, then that I don't think applies to 180 days.

[DeeAnne McCallin, CDII] 17:02:52

But it's so that Everybody does not have to be responsive within 10 days with something that may take infrastructure change or technology adjustments and things like that.

[DeeAnne McCallin, CDII] 17:03:05

So it's a it's a long time from concept to effective date. We're expecting most of this will be at least 12 months and as these things go it'll be longer as well.

[DeeAnne McCallin, CDII] 17:03:16

So we wanted to make sure that everyone is familiar and aware. That's the development of PMPs will take longer.

[DeeAnne McCallin, CDII] 17:03:26

Though we are still here and. Expecting that there will be new P and Ps and even modifications to P and Ps.

[DeeAnne McCallin, CDII] 17:03:34
Especially that during. The future of DXF. Does anybody have any questions or comments on this timeline?

[DeeAnne McCallin, CDII] 17:03:59
And it would be. Probably good for the subcommittee members to acquaint themselves or reacquaint themselves with the development of and modification to policies.

[DeeAnne McCallin, CDII] 17:04:12
If you haven't looked at that in a while That's a good kind of a homework assignment.

[DeeAnne McCallin, CDII] 17:04:19
To go.

[DeeAnne McCallin, CDII] 17:04:25
So the PNP allows for shorter implementation date when necessary to comply with applicable at the wall. So I think I used almost all of those words, but thank you Courtney.

[DeeAnne McCallin, CDII] 17:04:41
Alrighty, we are gonna move on.

[DeeAnne McCallin, CDII] 17:04:51
So is this me or am I turning over? To anyone else.

[Helen Pfister (Manatt)] 17:05:01
I think maybe you were doing the intern that I was gonna jump in, but I can do the whole thing.

[Helen Pfister (Manatt)] 17:05:05
It doesn't really matter. To me.

[DeeAnne McCallin, CDII] 17:05:06
It doesn't matter. I just can't find my place right now.

[Helen Pfister (Manatt)] 17:05:10
No worries, I can jump in. So yeah, so we have been, we see that has been keeping a track of topics, that came across the radar in the course of public comment or public input or discussions of subcommittee meetings, whatever else it might be.

[DeeAnne McCallin, CDII] 17:05:11
Alright.

[Helen Pfister (Manatt)] 17:05:24

That might warrant some further consideration and might result in either development of a new PMP or a modification of existing PNPs.

[Helen Pfister (Manatt)] 17:05:35

And we are looking for input from the subcommittee members as to the kinds of topics that might fall into one of those 2 categories.

[Helen Pfister (Manatt)] 17:05:43

And there are a couple of 3 different items that we have sort of flagged and have some internal discussions about that we want to raise with you all.

[Helen Pfister (Manatt)] 17:05:54

And then of course we also welcome any additional suggestions that you may have for topics that we should be.

[Helen Pfister (Manatt)] 17:05:59

Should be addressing. This sort of intermediary terminology thing is obviously one. It's a pretty minor one, but you know, anything else along those lines that you think is important to raise and would.

[Helen Pfister (Manatt)] 17:06:09

This would be a great time to do it. And so the first one relates to what we have been calling exchange method conflicts.

[Helen Pfister (Manatt)] 17:06:17

And what that basically means is what happens. If you have 2 participants. Who are who want to exchange information as required.

[Helen Pfister (Manatt)] 17:06:29

But they disagree on the method that they want to use. So let's suppose that participant A wants to exchange by using a QHIO, the participant B wants to exchange using a point to point interface.

[Helen Pfister (Manatt)] 17:06:43

What does that mean? Does participant A have to develop a point-to-point interface?

[Helen Pfister (Manatt)] 17:06:48

What does that mean for fees, etc, etc? And to some extent, we think this is addressed by the.

[Helen Pfister (Manatt)] 17:06:55

New. Manner exception exhausted. Language in the federal information blocking rules, which are referenced by the California Information Blocking Prohibitions PNP.

[Helen Pfister (Manatt)] 17:07:07

And they basically address that point and they sort of say. That if 3 specified requirements are met.

[Helen Pfister (Manatt)] 17:07:17

Then party A's. Refusal to develop a point-to-point interface is not information blocking.

[Helen Pfister (Manatt)] 17:07:24

And those 3 exceptions are that. Party could not agree could not reach agreement with party B on the request the amount of exchange.

[Helen Pfister (Manatt)] 17:07:35

Or was technically unable to fulfill the request in the matter requested. Which will be the case here because party A does not have a point to put into visit party B and party A does not agree with Party B's request to develop such interface.

[Helen Pfister (Manatt)] 17:07:48

So that requirement would be, would be met. The second would be that party A offers at least 2 alternative matters of exchange.

[Helen Pfister (Manatt)] 17:07:58

One of which has to use either technology certified to standard adopted by LMC. Or,

[Helen Pfister (Manatt)] 17:08:08

Standards. Published by the federal government or a standards development organization, be created by the American National Standards Institute.

[Helen Pfister (Manatt)] 17:08:15

So if party A offers at least 2 alternative matters of exchange that meet these requirements, then again, it's not information blocking.

[Helen Pfister (Manatt)] 17:08:23

And the third requirement would be that Partier does not offer this matter of exchange to. A substantial number of other individuals' entities.

[Helen Pfister (Manatt)] 17:08:32

We're in the same situation as party bay. So 48 doesn't offer point-to-point interfaces to similar organizations party B, then that requirement would be met.

[Helen Pfister (Manatt)] 17:08:42

So the question really for the subcommittee is do you agree that this addresses the exchange method conflict issue. Or are there other elements of exchange by the conflicts that the committee should be thinking about?

[Helen Pfister (Manatt)] 17:08:59

And. I guess Rim Courtney, anything that you would add to what I've just said or does that pretty much capture from your perspective.

[Helen Pfister (Manatt)] 17:09:08

Getting a thumbs up for man. I don't see portney, but I'm sure she would jump in if she had something.

[Helen Pfister (Manatt)] 17:09:13

So thoughts on any of that, questions, comments?

[Helen Pfister (Manatt)] 17:09:19

And you're welcome to think about this and come back to us and let us know your thoughts. I realize it's something we might want to process, but just one area that wanted to make sure that we had a line.

[Helen Pfister (Manatt)] 17:09:28

That this issue is addressed by the infection blocking rules, the new exception, and that there's nothing important that we as a subcommittee would need.

[Helen Pfister (Manatt)] 17:09:35

To do.

[Rim Cothren, CDII CalHHS] 17:09:38

Oh, and I think Mark has his hand.

[] 17:09:42

Hey.

[Mark Knee, ONC] 17:09:42

Hey there. I just wanna, Just kind of level set on when you say. Something would not be information blocking just to be clear.

[Mark Knee, ONC] 17:09:54

You know the federal information blocking rules I want to see these rules still apply there's no statement that It's not information blocking, right?

[Mark Knee, ONC] 17:10:05

I guess can you clarify what you mean by it's not information blocking?

[Helen Pfister (Manatt)] 17:10:08

Yeah. It wouldn't be information blocked under the federal rules is what I meant. If it meets those 3 elements of the manner, exception, exhausted provision, and it wouldn't be information blocked under the federal rules.

[Helen Pfister (Manatt)] 17:10:18

And we, the California Information Blocking Prohibitions campaign. Incorporates the federal rules or references with better rules.

[Mark Knee, ONC] 17:10:27

Okay, yeah, and just be clear though, I mean I get those you're talking about the exception so it's not The exceptions are.

[Mark Knee, ONC] 17:10:37

Ways that you could be doing something that seems like information blocking, but you meet the exception.

[Mark Knee, ONC] 17:10:41

And it's not information blocking, but just to be clear, the analysis would be done by the Office of the Inspector General.

[Mark Knee, ONC] 17:10:49

So I mean, I guess my point is I don't think you can say this would not be information blocking.

[Mark Knee, ONC] 17:10:55

If they do this, you could just kind of reference. The exception and say that you could meet the exception which would Make your action not information blocking if you meet the requirements.

[Helen Pfister (Manatt)] 17:11:09

Yeah. Okay. I take your point totally. Yeah, I was trying to.

[Helen Pfister (Manatt)] 17:11:13

Not make it too complicated, but you're totally right. So I see what you're saying.

[Helen Pfister (Manatt)] 17:11:17

I, I agree with you, I just didn't quite phrase it the way that you're freezing it, but.

[Mark Knee, ONC] 17:11:20

Okay, that's why I just as background I worked on the information blocking regulations before working on Tafka.

[Helen Pfister (Manatt)] 17:11:21

Yep.

[Helen Pfister (Manatt)] 17:11:28

Okay, perfect.

[Mark Knee, ONC] 17:11:29

So, Yeah.

[Helen Pfister (Manatt)] 17:11:35
Me?

[Lee Tien] 17:11:37
I just wanted to say I did not actually understand what you and Mark just ended up agreeing on because I don't understand.

[Lee Tien] 17:11:49
If the rule says X and then there are 3 stated exceptions in the rule and you meet those exceptions then You met those exceptions.

[Lee Tien] 17:11:56
I did not see the difference between how you said it and how Mark was saying it.

[Mark Knee, ONC] 17:12:02
So I guess all I was saying, is Mark is saying that, We just have to be careful to say that if you do X, you won't be information blocking because ultimately it's based on the facts and circumstances of the specific use case.

[Mark Knee, ONC] 17:12:17
And the office of the Inspector General would ultimately. Do an analysis so you could say that these are the exceptions that are stated in the information blocking regulations.

[Mark Knee, ONC] 17:12:31
But you can't say that. You necessarily need it because the analysis would be done. By the federal government.

[Lee Tien] 17:12:43
All right, I guess I won't. I won't press that.

[Lee Tien] 17:12:48
I mean. It's like all laws have exceptions and you know when you decide you meet one you go ahead and you say oh I'm This is permissible and then yes a cop can come and tell you wrong or something but That's not actually from what what people.

[Lee Tien] 17:13:06
Actually do the case of rule with an exception. I mean. But I guess, I guess that's for point that is okay.

[Mark Knee, ONC] 17:13:07
Right.

[Mark Knee, ONC] 17:13:11

Yeah.

[Lee Tien] 17:13:15
Now I get it. Alright.

[Mark Knee, ONC] 17:13:16
I guess maybe I'm too much in the weeds, but I just, I guess my point is just the caution to be careful.

[Mark Knee, ONC] 17:13:23
In drafting anything to say that you know, to make a conclusion that you meet the information blocking exception because it's more of these are the.

[Mark Knee, ONC] 17:13:34
Parameters of it, but. You can't say necessarily you are you are not information blocking in in this document I think that we're talking about.

[Helen Pfister (Manatt)] 17:13:46
And I think, Mark, if you look at the actual California information blocking PNPs, I think you'll be comfortable with the way it's drafted.

[Helen Pfister (Manatt)] 17:13:52
I was just trying to explain it a way that was a little more accessible to the the sub-committee since we just Okay, for the first time.

[Mark Knee, ONC] 17:13:57
Okay.

[DeeAnne McCallin, CDII] 17:14:02
And this is the end. So like I see. Coming in the chat that, Don't do anything beyond what currently exists and that's in part Cdi's recommendation that we have something to leverage and look to in the California information block and PNPs.

[DeeAnne McCallin, CDII] 17:14:23
That we believe. Ties nicely to the federal rules. And therefore we probably we don't think at this point in time that we need to develop a whole new PNP and that's what in part we're looking to hear from the subcommittee members if you're on that same page or if you're like, oh no, we absolutely need this.

[DeeAnne McCallin, CDII] 17:14:44
How do we start working on one? That's what we're going on this slide in the next slide.

[DeeAnne McCallin, CDII] 17:14:51

Is this, and some of these things that are cited here. Were raised in a public comment during other PMPs and sometimes as infrequently as once.

[Courtney Hansen, CalHHS CDII (she/her)] 17:14:54

Yeah.

[Helen Pfister (Manatt)] 17:15:07

Okay.

[Courtney Hansen, CalHHS CDII (she/her)] 17:15:07

And sorry, just to muddy the water. A little bit with another legal voice. I just wanted to chime in and say, This is also CDI is interpretation of what would be information blocking under our policy and procedure, not necessarily under federal law.

[Helen Pfister (Manatt)] 17:15:26

Excellent point.

[DeeAnne McCallin, CDII] 17:15:28

Yes.

[DeeAnne McCallin, CDII] 17:15:32

Yeah, we actually like. Discussion, comments, questions, people like me saying, wait, I don't understand, that kind of dialogue and back and forth.

[DeeAnne McCallin, CDII] 17:15:42

So. I encourage it.

[Helen Pfister (Manatt)] 17:15:47

So unless we hear something for oop, Linda.

[Helen Pfister (Manatt)] 17:15:52

You raise your hand.

[Belinda Luu] 17:15:53

Hi, can you hear me? I was just, had a clarification in terms of, what, least to us seems like, maybe a little bit inconsistency.

[Helen Pfister (Manatt)] 17:15:55

Yep.

[Belinda Luu] 17:16:06

So under the information blocking rules, if you, you know, provide one of the alternate manners, you can actually charge reasonable fees because it's not you know, a matter in which it was anticipated under the fees policy.

[Belinda Luu] 17:16:24

And procedures, you can't actually charge for a reasonable fee. As I was just wondering what your perspective is on that.

[Belinda Luu] 17:16:32

In terms of being able to charge fees.

[Helen Pfister (Manatt)] 17:16:35

I mean, that was, I'll let others jump in as well. But that was a policy decision.

[Helen Pfister (Manatt)] 17:16:42

I mean the the fees PNP. Does not. I mean. The DSF.

[Helen Pfister (Manatt)] 17:16:48

Information blocking PNP does not align completely with the federal information blocking rules. And one example is what you just said there are circumstances which for the federal rules to be charged that under the VXF not land fees to be charged.

[Helen Pfister (Manatt)] 17:17:02

There's our policy decisions that I think were made deliberately. Is that what you're getting at?

[Helen Pfister (Manatt)] 17:17:08

It was just something more something that I'm missing.

[Belinda Luu] 17:17:09

That's right, yeah. I'm just pointing out, you know, wanted to get your perspective on, how, you know, did the XF, would approach it.

[Helen Pfister (Manatt)] 17:17:10

But yes. Yep.

[Belinda Luu] 17:17:21

Okay, so this also goes a policy decision then.

[Helen Pfister (Manatt)] 17:17:24

There's more policy decision business.

[Courtney Hansen, CalHHS CDII (she/her)] 17:17:27

And just to chime in, based on significant stakeholder engagement with this group, it's part, predecessor, the IC and the predecessor to the IAC, the, AG.

[Courtney Hansen, CalHHS CDII (she/her)] 17:17:41

So there were a significant amount of stakeholder voices that went into that. As well as public comment on.

[Courtney Hansen, CalHHS CDII (she/her)] 17:17:47
Several times over. Through the different iterations of both the PNP and it was previously incorporated.

[Courtney Hansen, CalHHS CDII (she/her)] 17:17:55
Into several of the different policies and procedures.

[Helen Pfister (Manatt)] 17:18:08
Anything else?

[Helen Pfister (Manatt)] 17:18:13
Okay, then hearing nothing further, I think we have determined that we can put this one to bed for now at least unless it comes up at some point in the future and not that this on the agenda for things for the subcommittee to consider.

[Helen Pfister (Manatt)] 17:18:24
In 2,024. So the next topic you want to raise was the issue of so called non participant intermediaries.

[Helen Pfister (Manatt)] 17:18:35
And what a non participant intermediary is, is basically a third party. That assists the participant in meeting their obligations to exchange data.

[Helen Pfister (Manatt)] 17:18:45
Under the DXF, but isn't themselves a, participant. Meaning that they didn't send the data sharing agreement.

[Helen Pfister (Manatt)] 17:18:54
So as opposed to like a QHIO for example which assists participants in exchanging data in the VXF but it's also a participant because of also signs that the XF and according with the DS the BSA and accordingly is bound by the provisions of the DSA and the TNPs.

[Helen Pfister (Manatt)] 17:19:08
And so the question that we're raising here. Is whether if a participant uses a third party.

[Helen Pfister (Manatt)] 17:19:16
Intermediary that's not itself a participant. Should that participant have to? So basically include flow down provisions.

[Helen Pfister (Manatt)] 17:19:27
In his contract with that third party that require the third party to comply with summer all provisions of the DSA and the PNP.

[Helen Pfister (Manatt)] 17:19:35

And again, I welcome. Thoughts from Courtney or DN or in anything that you think I'm missing here that can help sort of, that we should raise at the committee.

[Rim Cothren, CDII CalHHS] 17:19:46

I might raise an example that I may have actually been what brought this to mind with people. The free instance if a participant is using an intermediary that has not signed the DSA and so that's the non participant intermediaries that we're talking about.

[Rim Cothren, CDII CalHHS] 17:20:03

Means that intermediary is not bound by the fees provisions that we have in the fees. Policy and procedure and could impose fees on other participants in violation of the DSA.

[Rim Cothren, CDII CalHHS] 17:20:15

But is not themselves violating anything that they've agreed to because they have not signed the DSA.

[Rim Cothren, CDII CalHHS] 17:20:22

And so I think Part of our question here is do we need to actually Address those possible cases where an intermediary is not bound by the DSA or its policies and procedures through some other method.

[Rim Cothren, CDII CalHHS] 17:20:37

And if so, Does that mean that we have a policy and procedure that we need to produce or an amendment to an existing policy and procedure?

[Helen Pfister (Manatt)] 17:20:49

Mark, as your hands up.

[Mark Savage] 17:20:54

It's, it's not precisely on rims. Point so I can wait and or if somebody else has something on R's point or I can just go ahead.

[Rim Cothren, CDII CalHHS] 17:21:02

Merely an example, so please I'd suggest you go ahead.

[Mark Savage] 17:21:06

So one of the areas about the whole dot exchange framework structure that causes me to stumble from time to time is the role of the individual in individual access.

[Mark Savage] 17:21:17

And individuals are not participants. But they're able to use the services. For good reason. I mean, it's essential.

[Mark Savage] 17:21:25

And I'm thinking about the situation where an individual might direct somebody through the

[Mark Savage] 17:21:32

Through the DXF to send their data to a third party that might be considered a non participant intermediary.

[Mark Savage] 17:21:40

They're allowed to do that under. Under HIPAA. I haven't really thought this through, but I just wanna I wanna lift that up as an example that seems to fit here and to make sure that we

[Mark Savage] 17:21:56

I thinking it through in a way that works consistently across all use cases. That works and works consistently and correctly.

[Mark Savage] 17:22:04

Across our use cases.

[Helen Pfister (Manatt)] 17:22:08

So just to make sure I'm following, so the concern is that. The an intermediate that's not a participant is not bound by the individual access provisions in our PNPs and that's like one thing we want to think about in terms of trying to.

[Helen Pfister (Manatt)] 17:22:23

Implement the flow down like we're talking about here. Is that, am I understanding that correctly?

[Mark Savage] 17:22:28

Well, being a little more concrete about my example, you've got an individual's got a third party health app and once the information flow to the individual's third party health app.

[Helen Pfister (Manatt)] 17:22:36

Okay.

[Mark Savage] 17:22:37

Should the third party health app suddenly be bound by a flow down of provisions.

[Mark Savage] 17:22:44

That might not have been the individuals. Expectation it might not be possible for the third party health app and maybe outside of their their business model.

[DeeAnne McCallin, CDII] 17:22:56
Yeah.

[Mark Savage] 17:22:56
Just making sure that we're thinking about that as we're thinking about various ways this might work.

[DeeAnne McCallin, CDII] 17:23:06
And that's where Mark's. Scenario or use case involves an individual, which is different than what.

[DeeAnne McCallin, CDII] 17:23:17
We're seeing a little bit in the chat where or what is how it's written on this slide is.

[DeeAnne McCallin, CDII] 17:23:23
What is an idea or the ask is should we require of the participant who is choosing to use. A non participant intermediary.

[DeeAnne McCallin, CDII] 17:23:35
So we have and to Devon's point in the chat, like how would we put requirements on somebody who's not part of the DXF, whereas this is an approach where we have someone in the food chain who is a participant.

[DeeAnne McCallin, CDII] 17:23:47
But to Mark's scenario, which is a different one, but related, I'm seeing your tie in because it's going to a request to a non participant, but we don't have any requirements on individuals.

[Mark Savage] 17:23:59
The recipient is a non in this scenario as a non participant. The the person being asked to transmit is a participant.

[Lee Tien] 17:24:09
Meet.

[Mark Savage] 17:24:09
You ask your doctor to do this.

[DeeAnne McCallin, CDII] 17:24:12
Right, got it. Tracking that, okay. And that would, and this is good, we have a lot of hands, so we'll go, I think the order goes, Lee Lewis, Belinda John.

[Lee Tien] 17:24:24
Right, so my what I was gonna say is a little bit of what Mark was saying a little bit of what Mark is saying is I worry about the you know, again, you know, I always say this,

but you know, since, since dogs, we worried about access to information that relates to patients.

[Lee Tien] 17:24:42

Especially anything that could involve. Even if it's not medical location or any other sort of data allows.

[Lee Tien] 17:24:50

Those who are seeking, say, reproductive care to be identified or tracked or something.

[Lee Tien] 17:24:57

And I can't. I don't know, understand the the data flows well enough, but I worry that an intermediary would actually have information that is perceived as sensitive by the patient and that we would deem sensitive within the context of the DXF.

[Lee Tien] 17:25:14

Who wish there are actually some sorts of safeguards, guidelines, best practices, or assumptions about the about that entity.

[Lee Tien] 17:25:23

They are already bound by HIPAA or something else. And I Just have a very general concern that all privacy and security relating to the you know this information that the intermediary has of the patients is Just that would be sort of.

[Lee Tien] 17:25:43

Very, very much at risk. Maybe it maybe it wouldn't be, but I worry about the privacy and security implications and the way that information could be accessed by parties.

[Lee Tien] 17:25:52

Trusting or not going to see. Thank you.

[Helen Pfister (Manatt)] 17:26:00

When taken.

[DeeAnne McCallin, CDII] 17:26:04

Hello?

[Helen Pfister (Manatt)] 17:26:10

You're on mute.

[Louis Cretaro - CWDA] 17:26:19

Can you hear me now? Doubled. I apologize. I was thinking in terms of a small social services agency.

[Helen Pfister (Manatt)] 17:26:20
Yes.

[Louis Cretaro - CWDA] 17:26:28
That. Might use a nonpartisan. Participant intermediary. But I think my concern is about the security versus the convenience for the individual.

[Louis Cretaro - CWDA] 17:26:41
Where in the example given they would want a participant to send the data to a non participant, which would benefit them in the example used for a health app.

[Louis Cretaro - CWDA] 17:26:53
But we're vulnerable to breaches. From the weakest link in the organization. So I'm worried about.

[Louis Cretaro - CWDA] 17:27:05
Taking something away from the individual that would benefit them by whoever they wanted to receive this versus our liability. Or providing that information and how do we safeguard that in some form.

[Louis Cretaro - CWDA] 17:27:20
Like I can't tell the individual. They can't give in their information to somebody, but I need to have a safeguard.

[Louis Cretaro - CWDA] 17:27:31
Is that protects everybody, including the individual. From an inadvertent disclosure of their information. We would tie everybody in the world up.

[Louis Cretaro - CWDA] 17:27:42
That would provide a service to the individual if the need was valid, but how do we prevent the liability upon?

[Louis Cretaro - CWDA] 17:27:51
All the participants. And, protect the individual. And so I think we have to have.

[Louis Cretaro - CWDA] 17:27:58
Some type of. Documented process for. Sending information to. You know, a non participant.

[Louis Cretaro - CWDA] 17:28:08
That covers the participants. And the and then It would therefore fall unfortunately between the individual. And that non participant but but this is something we talked about in terms of informed for how we make sure the individuals were recognize.

[Louis Cretaro - CWDA] 17:28:29

The risk, you know, we've done a lot to protect individuals. But we need to somehow make them inform them that with our asking may not be.

[Louis Cretaro - CWDA] 17:28:42

May not have those same protections. That's just my thinking on the fly here. Thank you for your time.

[Helen Pfister (Manatt)] 17:28:52

Alanda?

[Belinda Luu] 17:28:57

Sure, I'd just like to add as we're thinking through. Having you know the non participant in You comply with ADA, DXF requirements.

[Belinda Luu] 17:29:10

It may. Make some sense to have that. Participant intermediary.

[Belinda Luu] 17:29:18

I just apply to the aspects of the data that are applicable to them. So for example, if the exchange is ADTs.

[Belinda Luu] 17:29:28

They would have their applicable sections of the DXF apply to them. As a post to non applicable parts and I think, you know, as it relates to.

[Belinda Luu] 17:29:38

During these flow throughs, it may be more. Can, conducive, conversation.

[Belinda Luu] 17:29:45

So that it's, you know, tailored to what the role of that particular intermediary.

[Helen Pfister (Manatt)] 17:29:55

John?

[John Helvey] 17:29:59

I was just. Start by saying that when I was thinking of intermediaries immediately went to HIs And when we've established the QHIO program and we're holding to standards at that level.

[John Helvey] 17:30:13

At that level of intermediary. I don't think there should be exceptions. I think that anybody that operates at that level should.

[John Helvey] 17:30:21

Should comply with the data exchange framework and have flow down provision starts but a lot of other you know, I,

[Helen Pfister (Manatt)] 17:30:24

Hmm.

[John Helvey] 17:30:31

There's been a lot of other things discussed. Right around like personal health workers and all these other things that Help me that might not necessarily fit that.

[John Helvey] 17:30:40

Fit the criteria in HA or QHA. So I think that on a non participant intermediaries perspective, it's not one size fits all.

[John Helvey] 17:30:51

Right? It's maybe there needs to be expiration about what that means. Are there categories and Are there appropriate flow down provisions per category of non participant intermediary?

[John Helvey] 17:31:05

Cause I think, I think if you put it as one size fits all, it's a slippery slope.

[John Helvey] 17:31:11

By the way.

[Helen Pfister (Manatt)] 17:31:14

Okay. Well, Linda, your hand is still up to you have something else to say or are you.

[Helen Pfister (Manatt)] 17:31:24

So based on both the comments, the verbal comments and the comments in the chat, I am reaching the conclusion that this is something that's worth pursuing further.

[Helen Pfister (Manatt)] 17:31:35

And that we should flush this out a little bit more. At future subcommittee meetings. So,

[Helen Pfister (Manatt)] 17:31:43

Any additional questions or comments or thoughts?

[DeeAnne McCallin, CDII] 17:31:49

I agree with that. That conclusion in there. That's what I was hearing too.

[Helen Pfister (Manatt)] 17:31:54

Okay.

[Helen Pfister (Manatt)] 17:31:59

Okay. Then Rimic gets over to you for the third of our 3. Issues.

[Mark Savage] 17:32:05

Helen, I'll just, I'd put a second scenario in the chat for you to consider as well.

[Mark Savage] 17:32:11

It also counsels for considering further.

[Helen Pfister (Manatt)] 17:32:16

Right, okay, yep. Yep, now and I think this was great just in terms of not only that we agree that we have to think about this further, but there's been a lot of.

[Helen Pfister (Manatt)] 17:32:25

Good suggestions and comments and thoughts that I think will help us as we try to figure out how to.

[Helen Pfister (Manatt)] 17:32:32

How do how to facilitate a productive discussion on this topic of the next tough next meeting. So thank you all for that.

[DeeAnne McCallin, CDII] 17:32:37

Yeah. And Helen, I heard at least 3 current PMPs mentioned during this last 10 min fees, and individual access services.

[DeeAnne McCallin, CDII] 17:32:48

So. We probably have already looked into those to even get to a bullet item on this page, but if not, we definitely have 3 we should look at to see if there's a.

[Helen Pfister (Manatt)] 17:32:59

Yep, agree.

[Rim Cothren, CDII CalHHS] 17:33:04

Thanks. Helen, I'll get a silly started on the the next topic. Some may have seen the reminder from OMC.

[Rim Cothren, CDII CalHHS] 17:33:17

I think it came through my email on February, the 20 sixth that as of December, the 30 first, 2 23.

[Rim Cothren, CDII CalHHS] 17:33:20

Developers participating in the ONC Health IT certification program would no longer certify. Using US CDI version 2, which we've named for use in the data exchange framework.

[Rim Cothren, CDII CalHHS] 17:33:34

As it was removed from the standards version advice, advancement process. And on September eleventh USCDI version 3 was added to the S.

[Rim Cothren, CDII CalHHS] 17:33:47

FAP process and developers required to certify using this standard instead. You may also recall that ONC is adopted.

[Rim Cothren, CDII CalHHS] 17:33:55

Use of USCDV, USCDI version 3 is a requirement in January of 2026 so that is still somewhat off in the future.

[Rim Cothren, CDII CalHHS] 17:34:07

Now there remains confusion for myself, at least on the deprecation of USCDI version 2 for example, today I went out and I can still find version 2 on the S fat pages, but the point here is that changes to the status and national standards does not necessarily have an immediate effect.

[Rim Cothren, CDII CalHHS] 17:34:29

On data exchange framework policies and procedures. For instance, the data elements to be exchanged PNP continues to require organizations to exchange elements in US CDI v 2.

[Rim Cothren, CDII CalHHS] 17:34:42

And does not automatically change at the in in alignment with federal level changes. However, such changes may suggest that an update to the DXF policies and procedures and standards should be considered.

[Rim Cothren, CDII CalHHS] 17:35:00

This is especially important when federal changes are made to the standards version advancement process. Which we have used as our guide to national and federally adopted standards is defined term.

[Rim Cothren, CDII CalHHS] 17:35:16

This is also being discussed at the task and got started yesterday. I think the the question that I the couple of questions that I be asking the DSA subcommittee here today is first of all does the subcommittee have thoughts about the adoption of new standards and retiring of standards that are retired by a federal process.

[Rim Cothren, CDII CalHHS] 17:35:39

And about, the way that we have coupled DXF standards to ONC or other federal processes and whether we should continue that process.

[Rim Cothren, CDII CalHHS] 17:35:50

Or do something separate since they are at least in part. Identified in the policies and procedures. I'll note again that the task began its discussion.

[Rim Cothren, CDII CalHHS] 17:36:03

Of this topic yesterday and we'll continue it over the next couple of meetings over the next few weeks.

[Rim Cothren, CDII CalHHS] 17:36:09

But, since this is currently embodied in policies and procedures is the topic appropriate for the subcommittee here as well.

[Rim Cothren, CDII CalHHS] 17:36:19

I'm somewhat surprised that after all of the lawyer talk, let me turn to something technical that so many hands popped up, but I take that as a good sign.

[Rim Cothren, CDII CalHHS] 17:36:28

Steve and I do see your hand up.

[Steven Lane] 17:36:30

Thanks, I'm really glad that you're bringing this forward. Really glad that Mark is here from OH and really glad that Mark is here from ONC to participate in the discussion.

[Steven Lane] 17:36:41

You know, you you mentioned, I think suggesting it as some sort of a, I think suggesting it as some sort of a requirement.

[Steven Lane] 17:36:49

My understanding is S. Vap, it's all. I think suggesting it as some sort of a requirement. My understanding is S. It's all optional, right?

[Steven Lane] 17:36:54

I mean, it makes things available for developers of certified health IT to use in their certification process. Right? I mean, it makes things available for developers of certified health IT to use in their certification process.

[Steven Lane] 17:38:11

So the fact that V 2 has been replaced with V 3 is simply a statement that O and C in defining the path towards health IT certification wants to encourage continued advancement along the path of USCDI.

[Steven Lane] 17:38:45

And, the, the, the, the, the, the, the, towards health IT certification wants to encourage continued advancement along the path of USCDI evolution.

[Steven Lane] 17:39:20

So I don't it's not like V 2 has gone away or it's been deprecated.

[Rim Cothren, CDII CalHHS] 17:39:22

Thank you, Stephen. Just one clarification because I may have not been clear. Stephen, of course you're right that But we have we have tied our definition of national and federally adopted standards to the S. FAP.

[Rim Cothren, CDII CalHHS] 17:39:25

That's where we look for standards. That have been federally adopted and so that's the only tie that I mean.

[Steven Lane] 17:39:27

But, but again, The reason that we did that, I mean, I was in that meeting, right, was we didn't want to overreach, you know, we were tempted to say V 3 at the beginning, but we said, you know, let's at least limit it to the things that O and C is taken into the S. Vap.

[Rim Cothren, CDII CalHHS] 17:39:32

Yeah.

[Steven Lane] 17:39:46

So again, V 3 is now in the S. Vap. So again, V 3 is now in the S.

[Steven Lane] 17:39:49

Vap. So again, V 3 is now in the SF. Again, yes, there was nothing functionally required about including the linking to the SVAPT versions, but but it just it's a way of saying those things are truly they've matured they've matured they're matured now they're at the S.

[Steven Lane] 17:40:02

Fap level, so that's why we felt comfortable naming that.

[Rim Cothren, CDII CalHHS] 17:40:06

Thank you, Stephen. Louis, I see your hand up.

[Louis Cretaro - CWDA] 17:40:11

It may have been covered, but my interpretation was. That's that. Was for. To allow providers to go ahead or developers to go ahead and introduce new changes before they were published.

[Louis Cretaro - CWDA] 17:40:28

So it's a saying there's no new changes to 2. You were moving on to 3, 4 or 5 or they now have to wait until the approved changes were published and.

[Louis Cretaro - CWDA] 17:40:39

I'm not opposed to opening up the conversations to move to 3. At all because I've stated before once I learned that these were the transactions that I still think we're

missing social services use cases and other transactions that need to get added to this.

[Louis Cretaro - CWDA] 17:40:58

To be more meaningful for health care. I think social services would benefit from this health care information. But I think down the road.

[Louis Cretaro - CWDA] 17:41:08

We need to talk about how health care could benefit from other social services elements that aren't included in this.

[Louis Cretaro - CWDA] 17:41:16

So, you know, I'm flying with that, but I interpreted this. Just bullet on the slide slightly different.

[Louis Cretaro - CWDA] 17:41:25

And I think it's come out now. So thank you.

[Rim Cothren, CDII CalHHS] 17:41:29

Thanks, Lewis. Jason, I see your hand up too.

[Jason Buckner (MX)] 17:41:32

Yeah, thanks. I mean, I tend to agree with. With Stephen here on the first part of his conversation as well.

[Jason Buckner (MX)] 17:41:39

Like the S.Ap is. Guidance is voluntary. S.

[Jason Buckner (MX)] 17:41:44

EV 2 is is aggressive on version 3.

[Jason Buckner (MX)] 17:41:49

Just the reality of the situation is HR vendors are not ready. Painful enough getting them to comply with V 2 whether they should or shouldn't is a different story.

[Jason Buckner (MX)] 17:42:02

I'm just sort of the marketplace in the industry right now. V 3 is a little far away.

[Jason Buckner (MX)] 17:42:05

Look, the standards are gonna evolve over time. We're gonna have this conversation in a year and 2 years and so forth.

[Jason Buckner (MX)] 17:42:11

And we just need to be ready to evolve. And update those. My question is really. From a timing perspective.

[Jason Buckner (MX)] 17:42:21

We kind of covered what would a new PNP timeline look like earlier in this meeting?
And that's basically a year, right?

[Jason Buckner (MX)] 17:42:30

You get a certain time to discuss and improve it and then there's an implementation period. What about changes?

[Jason Buckner (MX)] 17:42:37

So if we did at some point, say, version 3. Are we following a similar timeline or are we dealing with that timeline sort of changes, ad hoc, how a CDI thinking about that.

[Rim Cothren, CDII CalHHS] 17:42:50

So, Jason, and I'm glad that you brought that up. That is actually covered in the modifications to PNPs PNP.

[Rim Cothren, CDII CalHHS] 17:43:01

We might want to roll back to that slide real quickly. I don't remember for sure which one it is in the deck, but the one with the timeline on it.

[Rim Cothren, CDII CalHHS] 17:43:07

And, That one, yes. So substantive amendments to PNPs follow the same timeline.

[Rim Cothren, CDII CalHHS] 17:43:17

And so that means that a substantive change in standards. Would have this type of timeline for. A mandatory adoption with that 180 days after publication before it went into effect.

[Rim Cothren, CDII CalHHS] 17:43:34

The PNP calls out a different process for administrative changes that are not substantive. And a different timeline for.

[Rim Cothren, CDII CalHHS] 17:43:45

As Courtney had pointed out early changes that are required to bring PNPs into alignment with applicable law.

[Rim Cothren, CDII CalHHS] 17:43:53

But for a substantive change in policy or procedure that we put into place. An amendment follows the same timeline.

[Rim Cothren, CDII CalHHS] 17:44:01

This was there was a great deal of discussion about this when we were putting this PNP in place about what that timeline should be.

[Rim Cothren, CDII CalHHS] 17:44:10

How quickly we should be allowed to make requirements changes, how long that process should be, and that was a that was a great deal of discussion around that.

[Jason Buckner (MX)] 17:44:22

That's super helpful. I appreciate that. And I just, it helps inform us when we're, if we're going to evaluate should we go to B 3 given that we're looking at this sort of a timeline.

[Jason Buckner (MX)] 17:44:31

It might be. Prudent of us to think about. 45 right so because this is not an overnight change to do this so thanks

[Rim Cothren, CDII CalHHS] 17:44:41

Absolutely. Thanks, Jason. Belinda, I see your hit up.

[Belinda Luu] 17:44:45

Sure, just clarifying. The comment that I put into the chat, then I'm seeing other folks kind of pipe up.

[Belinda Luu] 17:44:55

Really it's more about clarity of what the Pmp's require in terms of implementation now.

[Belinda Luu] 17:45:00

Versus implement what's aspirational as implementation in the future. So HTT one, HTI one, sorry, requires, to actually, implement.

[Belinda Luu] 17:45:14

Version 3 by January of 2026. But isn't it? It doesn't actually require providers, to, do that yet.

[Belinda Luu] 17:45:23

And so one thing the pean, the PPs can really address is what's the required version day one.

[Belinda Luu] 17:45:31

And then as it relates to V 3 when that does come into fact you know what is the timeline for that and I think that would provide a one with a lot of clarity for sure.

[Rim Cothren, CDII CalHHS] 17:45:41

Thank you, Belinda, and I think that at least the intent is that the data elements to be exchanged calls out.

[Rim Cothren, CDII CalHHS] 17:45:47

Specific minimum versions. For the standards but to your point. Making it very clear what is aspirational and what is a requirement is something that we'll need to keep track of.

[Rim Cothren, CDII CalHHS] 17:46:01

Thank you. There's been a great deal of action in the chat that I'm not sure I've kept up with.

[Rim Cothren, CDII CalHHS] 17:46:08

Is there anything in particular in the chat that anybody wants to raise?

[Steven Lane] 17:46:12

Sure. I think there's just a concern that if we, if we're naming the 3 that that's requiring that's this putting a requirement on participants and it's just To be clear, it doesn't, right?

[Steven Lane] 17:46:28

It points the direction to where we're going. And I tried to make the point that, you know, if you're building new connections, which we're certainly doing here, bringing in new participants, etc, just giving them that signpost that says this is indeed the national standard and will be in Monday.

[Steven Lane] 17:46:46

You know, then people know what to look to and they're not going to inadvertently head off in a in a direction where they'll need to come back later.

[Rim Cothren, CDII CalHHS] 17:46:54

Yeah, and I think that's important that yes, I are discussion of V 3 today doesn't make any changes, any requirements for anybody.

[Rim Cothren, CDII CalHHS] 17:47:01

That USCDIV 2 is in policies and procedures and per Jason's question and our discussion there.

[Rim Cothren, CDII CalHHS] 17:47:10

It would require, I believe, change to the PNP and the timeline that you see on the slide here before that would become a requirement to change that version.

[Rim Cothren, CDII CalHHS] 17:47:20

But we need to, Jason's point, we need to think. In advance because this is a long process.

[Rim Cothren, CDII CalHHS] 17:47:27

Where do we want to be in a year? And so I think that that's really important. Thanks, Stephen, for that additional discussion.

[Rim Cothren, CDII CalHHS] 17:47:36
Is there anything else on that topic?

[Rim Cothren, CDII CalHHS] 17:47:42
Well, maybe we'll open the floor here and see if there if we go on to the next slide or there any other things that we haven't already identified that people believe should be in upcoming agendas.

[Rim Cothren, CDII CalHHS] 17:47:54
At this meeting, other topics. That we should be discussing either for new policies and procedures or adjustments to some of the existing policies and procedures.

[Rim Cothren, CDII CalHHS] 17:48:05
Mark, you have your hand up.

[Mark Savage] 17:48:08
Yes, I'll, suggest. Topic that I've raised. Multiple times in the past.

[Mark Savage] 17:48:16
Usually in the technical requirements of exchange PNP around Got it. We've loosely called push exchange.

[Mark Savage] 17:48:23
Not just pull exchange. And each time I've raised that, there's been seems to be general acknowledgement that yes, we do need.

[Mark Savage] 17:48:31
We do need fish exchange, but it's. Not there. So without going into. Taking our time today and going into all the detail.

[Mark Savage] 17:48:41
Just list that up, I think. That's critical and especially if you've got a year timeline.

[Mark Savage] 17:48:46
The time is yesterday to be talking about this.

[Rim Cothren, CDII CalHHS] 17:48:52
Well, Mark, I am going to add a little bit more to that conversation because you have brought it up a number of times.

[Rim Cothren, CDII CalHHS] 17:48:59
We do have push. In the PNPs now, but under very limited circumstances. And I think what you've been advocating is that we broaden those.

[Rim Cothren, CDII CalHHS] 17:49:07

That is the type of change that we might be wanting to think about over the course of this year because the runway for that is long.

[Rim Cothren, CDII CalHHS] 17:49:14

So I think it's a good. To, to bring that up, as, as a potential, discussion for, the year.

[Rim Cothren, CDII CalHHS] 17:49:23

Thank you for that.

[Rim Cothren, CDII CalHHS] 17:49:25

Belinda is here a hand up.

[Belinda Luu] 17:49:29

Sure, another potential topic that I thought would be helpful to discuss would be Alignment of the DXF, with Tafka and CMS interoperability rules since you know a lot of providers already moving in that direction in terms of adoption of those standards.

[Belinda Luu] 17:49:47

So it'd be helpful to. See, you know, one of those we can align with. And what if and how we doing things differently.

[Belinda Luu] 17:49:54

I think would help with adoption since a lot of folks already kind of starting to put those standards and controls in place.

[Rim Cothren, CDII CalHHS] 17:50:02

Thanks, Blind. I think that we've said that our intent is to align. With national initiatives including TEFCO, but I think in an ongoing analysis of how well we're doing that alignment is certainly.

[Rim Cothren, CDII CalHHS] 17:50:16

A good thing for us to do. Thank you.

[Rim Cothren, CDII CalHHS] 17:50:21

I thought I saw another hand up but it popped back down.

[Steven Lane] 17:50:24

Sorry, that was me. I put it in in the chat. Just I wanted to pile on to Mark's comment that push.

[Steven Lane] 17:50:31

You know, interoperability is a conversation. It's bi-directional. This push, there's pole.

[Steven Lane] 17:50:38

We should not miss the chance to really incentivize push. I know that, you know, HAEs, which make up, you know, the bulk of the Kuyows, you know, haven't, they had a long deep history of using direct messaging.

[Steven Lane] 17:50:51

Some do, some don't, you know, but we've got the direct standard out there widely adopted, incorporated in all certified health IT for years.

[Steven Lane] 17:51:00

We've got the new Tefko message delivery standard which is now you know live but but not yet really in use pushes critical for public health exchange patterns.

[Steven Lane] 17:51:13

So I think, you know, we really do need to come back and and look at how to encourage in the incentivize that as part of the framework.

[Rim Cothren, CDII CalHHS] 17:51:28

Thanks. Are there any other thoughts or any other comments?

[DeeAnne McCallin, CDII] 17:51:36

This is Dean. I'll touch on there's a few comments in the chat about enforcement question about are there plans.

[DeeAnne McCallin, CDII] 17:51:45

The best case scenario is regulatory authority for Hi, their agency or CDI on enforcement. We do intend at in about 2 weeks at the IAC meeting to be touching upon a feedback.

[DeeAnne McCallin, CDII] 17:52:01

Which actually leans upon information blocking and complaint feedback. Web portal. So looking, we're, starting while we do not have the authority for enforcement, we're starting to be able to formally receive feedback.

[DeeAnne McCallin, CDII] 17:52:20

Wherein someone could be submitting comments or a complaint.

[DeeAnne McCallin, CDII] 17:52:31

Alright, so we do have. 8 more minutes for other topics. There was one question in, raised in the QA about.

[DeeAnne McCallin, CDII] 17:52:42

An individual who does not want to their own. I'll say HSSI for DXF terminology, shared.

[DeeAnne McCallin, CDII] 17:52:55

So right now that's incumbent upon the providers of who is providing that service. To be maintaining.

[DeeAnne McCallin, CDII] 17:53:01

An individual's request to opt out. But that is a topic that, we do here occasionally, but there is at least one citation in the DSA.

[DeeAnne McCallin, CDII] 17:53:13

Looking at chat and if anybody has any other comments or topics that we should start developing because as we've seen it's an 11 to 15 month probably runway on that and some of the times maybe there's creative ideas of how to if there's a need how we do something.

[DeeAnne McCallin, CDII] 17:53:32

That might not have to fit into a PNP.

[DeeAnne McCallin, CDII] 17:53:40

Hello, Louis.

[Louis Cretaro - CWDA] 17:53:42

Well, then we do a survey at the end of last year with suggested topics for this year that we need to discuss.

[Louis Cretaro - CWDA] 17:53:52

And, and did we capture that information? But I said. I think I remember getting some topics.

[DeeAnne McCallin, CDII] 17:53:56

That's it. Yeah. Yeah, we.

[DeeAnne McCallin, CDII] 17:54:02

We did do a survey and that's where I'm wondering if on the, on the, and CDI, basically log that we have that informs some of the bullet points like 2 of the 3 bullet points on the previous slide.

[DeeAnne McCallin, CDII] 17:54:19

Did we look to less the end of the 2023 survey of both IAC and subcommittee members for any comments that they might have there.

[DeeAnne McCallin, CDII] 17:54:28

So if we did not great point to raise and we will look into that. I know I haven't looked at it recently.

[DeeAnne McCallin, CDII] 17:54:36

So we should. We should dive into that just in case.

[Louis Cretaro - CWDA] 17:54:42

Well, as fast as I can remember, I know I'm pretty certain I raised the issue.

[Louis Cretaro - CWDA] 17:54:48

Of informed consent. And I think that was the topic we had discussed previously. I also, I believe I raised the topic of how we add new elements to what we're going to exchange.

[Louis Cretaro - CWDA] 17:55:05

And then just briefly, that and another go because I think there's a used cases where, we need to investigate.

[Louis Cretaro - CWDA] 17:55:14

Assuming consent. Social services data elements that would be beneficial as I stated earlier to not just healthcare but to patients or anything that may.

[Louis Cretaro - CWDA] 17:55:27

You know, healthcare may wanna get back that fits. Our use case scenarios and I'm not sure.

[Louis Cretaro - CWDA] 17:55:33

Where everybody is and then multiple social services types of systems. So. So at some point, you know, we're voluntary, but at some point we've got to get to a place where our systems can comply and we have meaningful information to share the benefits.

[Louis Cretaro - CWDA] 17:55:56

The patients and the health care provider.

[DeeAnne McCallin, CDII] 17:56:13

Thanks.

[Rim Cothren, CDII CalHHS] 17:56:17

Are there any other topics or thoughts?

[Rim Cothren, CDII CalHHS] 17:56:28

Dean, do you want to take us on to public comment or do you want there was one other topic that we might bring here quickly I don't know if some of you may have seen the recent news that a component of the United health group was a victim of significant malware attack and that is disrupting a significant.

[Rim Cothren, CDII CalHHS] 17:56:50

Sector the health delivery system. I think it was one of the state's own security officers that suggested that we might want to add a requirement to participants to report malware attacks to their fellow participants.

[Rim Cothren, CDII CalHHS] 17:57:05

And I'm interested if there are any thoughts among the subcommittee members here about whether we should consider any future meeting discussing.

[Rim Cothren, CDII CalHHS] 17:57:16

Requirements to report malware attacks to participants

[Mark Savage] 17:57:29

Are you? Asking the question about just the presence of an attack, does it have to be a breach?

[Rim Cothren, CDII CalHHS] 17:57:36

So we have policies about breach now. But a breach does not require that if there is a ransomware attack or something like that that needs to be reported and so that was the question that was brought to our attention by a security officer and we thought we would take it to the subcommittee here to see if there was an opinion about whether participants should be required to report malware, malware attacks that might not constitute a

[Mark Savage] 17:57:39

Yeah.

[Helen Pfister (Manatt)] 17:58:05

Hmm.

[Rim Cothren, CDII CalHHS] 17:58:12

breach.

[Courtney Hansen, CalHHS CDII (she/her)] 17:58:19

And if I could just jump in. I believe his concern was. Providing notice to participants. In real time or close to real time.

[Courtney Hansen, CalHHS CDII (she/her)] 17:58:30

That would say, you know, don't send me data right now. We're under a malware attack to ensure that they're not jeopardizing additional information.

[Rim Cothren, CDII CalHHS] 17:58:41

Thanks. Courtney.

[Deven McGraw, Ciitizen (she/her)] 17:58:44

That's really helpful context. Because, you know, in general, security incidents. Aren't required to be reported unless they result in a breach, but in this case we're talking about preventing future.

[Deven McGraw, Ciitizen (she/her)] 17:58:59

Damage and a circumstance where the now the incident may be under investigation and sort of closing off to receipt of additional information makes a lot of sense.

[Deven McGraw, Ciitizen (she/her)] 17:59:13

I wonder how we reward that.

[Rim Cothren, CDII CalHHS] 17:59:16

Devon, I also see Jason's hand up.

[Jason Buckner (MX)] 17:59:20

Yeah, I, would support this, I think we'll have to get creative on the wording.

[Jason Buckner (MX)] 17:59:26

Our experience is oftentimes we find out through news or someone else that someone who's connected to us has had A security incident.

[Jason Buckner (MX)] 17:59:38

And, of course we immediately like several connections and take all kinds of action and it's very, very reactive.

[Jason Buckner (MX)] 17:59:45

Because you're right, traditionally it's only notify if there's a breach and so If there is a good way to tackle this problem in a PNP, I think we would support that.

[Rim Cothren, CDII CalHHS] 17:59:58

Thanks Jason.

[Rim Cothren, CDII CalHHS] 18:00:02

And I do see that we're at time, but I think that I'm even though the discussion was short, I think I'm hearing that that might be a good topic for a future meeting as well.

[Rim Cothren, CDII CalHHS] 18:00:12

I think it's back over to you then.

[DeeAnne McCallin, CDII] 18:00:15

Yes, thank you. Alright, so for to under the public come in, I think this meeting is scheduled until.

[DeeAnne McCallin, CDII] 18:00:25

3 20 so we do still have time so let's open for public comments. And I cannot remember if it's myself or.

[DeeAnne McCallin, CDII] 18:00:34

And that that is to lead. The guidance that we covered at the beginning.

[Alice K - Manatt Events] 18:00:39

I can jump in here. Individuals in the public audience who have a comment may insert it in the Q&A or otherwise you can raise your hand using zoom.

[Alice K - Manatt Events] 18:00:51

You see that at the bottom of your screen and you will be called in the order in which your hand was raised.

[Alice K - Manatt Events] 18:00:57

If you have dialed in via phone only, you can press star 9 to raise your hand and then if you're called upon star 6 in order to speak. If you're called upon, please state your name and organizational affiliation and please keep your comments respectful and brief.

[Alice K - Manatt Events] 18:01:14

At this time, we don't have any hands raised from audience members.

[DeeAnne McCallin, CDII] 18:01:41

We are still only in the first minute if I was external I'd be wrestling with my phone and trying to figure out how to unmute it or raise my hand so well.

[DeeAnne McCallin, CDII] 18:01:50

Enjoy another pause, take a sip of water.

[DeeAnne McCallin, CDII] 18:02:00

Even if I weren't a member of the public, I'd be trying to figure out how to unmute if I were on my phone.

[DeeAnne McCallin, CDII] 18:02:28

Alright, let's see what is next and feel free. Submit members, you 2 can have the floor again if you have topics that you would like to bring up.

[DeeAnne McCallin, CDII] 18:02:39

This doesn't go straight back into so we will. I don't know where I should pause.

[DeeAnne McCallin, CDII] 18:02:43

Should we stare at the? So the excruciating timeline or. We could probably pull down the deck too in a minute, but we can continue.

[DeeAnne McCallin, CDII] 18:02:53

So. I'm gonna open the floor again in a moment and we do have meetings scheduled April and June for this.

[DeeAnne McCallin, CDII] 18:03:01

I see meeting March nineteenth and March 20 s. I'm not closing out the meeting. I'm just getting us to conversation again without having to stare at slides that don't have anything to do with.

[DeeAnne McCallin, CDII] 18:03:13

What we're talking about. So I do see a hand raised and. I'll cover this one when we're really finished.

[DeeAnne McCallin, CDII] 18:03:21

Alright, go ahead, Stephen.

[Steven Lane] 18:03:23

I actually, it was about the meeting schedule. So you can go to that slide. Did we intend to have a 2 and a half hour meeting on April 10 or is that a typo?

[DeeAnne McCallin, CDII] 18:03:26

Was it?

[DeeAnne McCallin, CDII] 18:03:34

Apparently today's was scheduled just the same I just learned.

[Steven Lane] 18:03:39

Okay, long meeting. Okay, I like the idea of wanting to have our meetings. The other thing is just FYI on June, the seventh, my, my sister in arms, Devon and I have a conflict, which would potentially prevent one or both of us from participating.

[Steven Lane] 18:03:59

So.

[DeeAnne McCallin, CDII] 18:03:59

Thank you.

[DeeAnne McCallin, CDII] 18:04:03

And hopefully folks are able to join on March nineteenth or look at our slide deck material and whatnot. If we're not able to get you in any type of DXF update and I'll work well in to try to incorporate that into next.

[DeeAnne McCallin, CDII] 18:04:18

Presentation for this convening, especially when it's not the joint at the subcommittee. Does anybody else have any other topics or the other thing is if you leave today's meeting and say, oh shoot, we could really use this PNP.

[DeeAnne McCallin, CDII] 18:04:34

I definitely encourage people out of band to send an email, reach out to one of us. If there's something if there's another suggested or needed.

[DeeAnne McCallin, CDII] 18:04:45

P and P. Mark, go ahead.

[Mark Savage] 18:04:48

So I'm just gonna pick up on. You're suggestion to have a sort of a regular update.

[Mark Savage] 18:04:55

From what you've been hearing so far, how are things going?

[DeeAnne McCallin, CDII] 18:05:01

I'll say for the participant directory and the entries and solutions being made, it's probably tracking at a better rate than DSA signatories.

[Helen Pfister (Manatt)] 18:05:04

Yeah.

[DeeAnne McCallin, CDII] 18:05:11

Even though there was a big push at the very beginning. You know, like January, the 30 first, 23, a lot of people signed.

[Mark Savage] 18:05:12

Yeah.

[DeeAnne McCallin, CDII] 18:05:19

And then it dropped off a cliff. Whereas we are 5 weeks into participant directory and it's not dropped off the cliff it's still trending and we're seeing a couple things to improve upon.

[DeeAnne McCallin, CDII] 18:05:32

Such as outreach. I have a an update to the how to guide. I have some lists of things to talk to the QHIO.

[DeeAnne McCallin, CDII] 18:05:41

QHIO is about for their information for also downstream getting folks to information about the participant directory.

[DeeAnne McCallin, CDII] 18:05:50

Now that's all very administrative. Is that about actual exchange? No, not really, but we're building towards that.

[DeeAnne McCallin, CDII] 18:05:59

And I had, oh, and round 3 of the grants program announcements went out the award notifications went out on February 20 third I think it was February 20 third so we're 2 not quite too weeks out from then.

[DeeAnne McCallin, CDII] 18:06:15

That that looks really good at a high volume of applications that now we have a lot of folks in the churn with some funding abilities.

[DeeAnne McCallin, CDII] 18:06:25

Mechanisms to draw down some funding. There's submitting progress reports and milestones to get some funding to be able to put some money towards getting their DXF implementation in exchange.

[DeeAnne McCallin, CDII] 18:06:37

So, you know, like you said to something else earlier, Mark, like had it been yesterday or last week or last year, that would have been fantastic, but it's it's moving forward.

[DeeAnne McCallin, CDII] 18:06:46

So that's a good. Grants program update if folks weren't aware of that. What types of things would be meaningful that I'm not thinking of?

[Mark Savage] 18:06:56

How's it going? Just may not answer your that question just now, but I was a data point.

[Mark Savage] 18:07:01

I also wanted to say I did try to use the individual access services piece. And so far, nothing exists about me.

[Mark Savage] 18:07:09

In the state of California that exchange. I do not, I have no idea what that means. But.

[DeeAnne McCallin, CDII] 18:07:12

You're off the grid.

[Mark Savage] 18:07:17

Just reporting.

[DeeAnne McCallin, CDII] 18:07:17

You're healthy?

[Mark Savage] 18:07:23

I'm assuming it's working, but I haven't been able to, I haven't been able to verify.

[DeeAnne McCallin, CDII] 18:07:28

Thank you. For putting yourself in as a use case. Okay.

[Mark Savage] 18:07:33

Least I can do.

[DeeAnne McCallin, CDII] 18:07:35

Okay.

[DeeAnne McCallin, CDII] 18:07:48

And then the other, which was mentioned briefly, and of course I use the wrong word for it, but the task, the technical advisor subcommittee, so I called it assistance, you know, TA.

[DeeAnne McCallin, CDII] 18:08:00

But technical advisory subcommittee that launched yesterday so that we hope you know maybe that's an opportunity a resource to channel for if this group is like.

[DeeAnne McCallin, CDII] 18:08:10

You know, the PNPs don't cover this or the PMPs are too broad or they're too restrictive, you know, maybe we go to a task or to the IAC with ideas to try to motivate and move things for the constraints that we're seeing.

[DeeAnne McCallin, CDII] 18:08:26

We sometimes have the opportunity for FAQ as we, our FAQ document is. Up to about 40 FAQs, there's a couple of ones that are QHIO specific.

[DeeAnne McCallin, CDII] 18:08:37

And now we're starting to develop trying to get our arms around developing a bit more resources to post and publish on our web page, like a QHIO at a glance, 2 pager comes up is 3 pages but the first page is a header sheet so some resources and trying to get some things like that that are helpful and Helped towards the exchange.

[DeeAnne McCallin, CDII] 18:09:09

And I'm actually looking forward to opening up the feedback. Loop so that people have a form to be able to submit feedback for, good, bad, the ugly.

[DeeAnne McCallin, CDII] 18:09:21

To us.

[DeeAnne McCallin, CDII] 18:09:33

We'll pause for a minute. It's. 309.

[DeeAnne McCallin, CDII] 18:09:56
And.

[DeeAnne McCallin, CDII] 18:10:01
I think with that we can close the meeting. Thank you. Everybody for joining us. We will post these materials once they're ready for.

[DeeAnne McCallin, CDII] 18:10:10
State web page posting, compliance levels. And staying engaged, keep in touch, and we're out here still doing lots of work even though we're not publishing new PMPs every day.

[DeeAnne McCallin, CDII] 18:10:24
Good. Thanks, everyone.

[Jason Buckner (MX)] 18:10:26
Thank you.

[Mark Savage] 18:10:26
Thanks so much. Alright

[Louis Cretaro - CWDA] 18:10:28
Thank you

[Deven McGraw, Ciitizen (she/her)] 18:10:29
Bye everybody