

CalHHS Data Exchange Framework Policy and Procedure

Subject: Process for Amending the DSA	
Status: Final Draft	Policy: OPP-1
Publication Date: July 10, 2023 TBD	Version: 1.1.1

I. Purpose

The ~~Center for Data Insights and Innovation (“CDII”)~~ California Department of Health Care Access and Information (“HCAI”) has responsibility for overseeing the implementation and operation of the California Health and Human Services Data Exchange Framework (“Data Exchange Framework”). The Data Exchange Framework includes the Data Sharing Agreement (the “DSA”), which is executed by all Participants in the Data Exchange Framework. ~~CDII-HCAI~~ has responsibility for managing amendments to the DSA. The purpose of this policy is to set forth the procedures by which ~~CDII-HCAI~~ will fulfill this responsibility.

II. Policy

This policy sets forth the process ~~CDII-HCAI~~ shall follow in order to amend the DSA. An amendment to the DSA shall be effective only if implemented as provided in this policy.

~~Sections III.1 and III.5 of this~~ This policy shall be effective upon publication. ~~All other sections of this policy shall be effective as of January 31, 2024.~~

III. Procedures

1. RETENTION AND DISSEMINATION OF THE DSA

a. ~~HCAI CDII~~ shall maintain the DSA in a publicly accessible location and shall maintain all original, executed copies of the DSA. In addition, ~~CDII-HCAI~~ shall maintain a list of the current and prior Participants. The current version of the DSA as well as originals of all previous versions shall be maintained in accordance with Applicable Law and any applicable state policies, or if no applicable state law or policy exists, as determined by ~~CDII-HCAI~~.

2. SUBMISSION OF PROPOSED AMENDMENTS TO THE DSA

a. Any Participant or other stakeholder that ~~CDII-HCAI~~ deems appropriate may submit in writing to ~~CDII-HCAI~~ a request for an amendment to the DSA. Additionally, ~~CDII-HCAI~~ may, at its discretion, solicit requests for amendments to the DSA from all Participants and other interested stakeholders. All requests for proposed amendments shall identify the section of the DSA that is the subject of the requested amendment (if any) and shall provide (i) a thorough description of why the requested amendment is necessary, (ii) the proposed language for the requested amendment and (iii) an analysis of the expected impact of the requested amendment.

b. ~~CDII-HCAI~~ may also bring forth any concern or question regarding the DSA, and/or propose an amendment to the DSA.

3. CONSIDERATION OF PROPOSED AMENDMENTS TO THE DSA

a. ~~CDII-HCAI~~ shall define criteria for which requests for proposed amendments merit additional consideration.

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b. If a request for a proposed amendment satisfies the criteria established by ~~CDH~~ HCAI, ~~CDH-HCAI~~ will forward such request to legal counsel for an initial legal review. Following this initial legal review, a task force established by ~~CDH-HCAI~~ shall, in consultation with a stakeholder advisory group appointed by the Secretary of California Health and Human Services, determine how to address the request.

c. Prior to approving any amendments to the DSA, the task force shall solicit and consider comments from the Participants on the new, amended, repealed or replaced provisions of the DSA. To promote openness and transparency, the task force shall post proposed changes to the DSA to a publicly accessible location.

d. Following the task force's approval of the amendment to the DSA, the Participants shall be given at least forty-five (45) calendar days to review the approved amendment and register an objection if a Participant believes the amendment will have a significant adverse operational or financial impact on the Participant. Such objection shall be submitted to ~~CDH-HCAI~~ and contain a summary of the Participant's reasons for the objection.

e. If the task force's recommendation is that the DSA should not be amended and ~~CDH-HCAI~~ approves such a recommendation, ~~CDH-HCAI~~ will inform the requestor of its determination in a written explanation.

4. IMPLEMENTATION OF PROPOSED AMENDMENTS TO THE DSA

a. If the task force's recommendation is to amend the DSA and ~~CDH-HCAI~~ approves such a recommendation, ~~CDH-HCAI~~ will publish the amended DSA in a publicly accessible format one hundred and eighty (180) calendar days prior to the effective date of the amendment, except when a shorter time period is necessary to comply with Applicable Law. When ~~CDH-HCAI~~ publishes the amended DSA, ~~CDH-HCAI~~ will also publish the following information:

i. A reasonably comprehensive statement as to the reasons for the amendment and any foreseeable impact of the change;

ii. A statement regarding whether the amendment is necessary for ~~CDH~~ HCAI or Participants to comply with Applicable Law; and

iii. The effective date of the amendment.

5. ADMINISTRATIVE AMENDMENTS TO THE DSA

a. Notwithstanding Sections 2 through 4 above, HCAI ~~CDH~~ may make modifications to the DSA to ensure administrative consistency across the DSA and all Policies and Procedures. Such modifications will be limited to administrative changes.

b. An "administrative change" is any change that does not have a material impact on Participants. Administrative changes also include, but are not necessarily limited to, changes to the definitions in the DSA to ensure consistency with the Policies and Procedures.

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c. In the event ~~CDII~~ HCAI makes an administrative change to the DSA, it will provide notice at least thirty (30) calendar days prior to the effective date of the change and a written explanation for the change, including why ~~CDII~~ HCAI determined the change would not have a material impact on Participants. ~~CDII~~ HCAI shall publish the proposed amendment to the DSA simultaneously and provide means for public comment during such thirty (30) calendar day period to allow the public to raise any objections to the materiality of the administrative change.

IV. Version History

No.	Date	Author	Comment
1.0	July 1, 2022	CalHHS Center for Data Insights and Innovation (CDII) <u>Center for Data Insights and Innovation (CDII)</u>	Final
1.1	July 10, 2023	CalHHS CDII	Final. Amended to add provisions for administrative changes to the DSA and to remove the requirement for Participants to execute amendments to the DSA.
<u>1.1.1</u>	<u>TBD</u>	<u>CalHHS CDII</u>	<u>Draft. Amended to change “CDII” to “HCAI” throughout the document to reflect the transfer of administration and management of the DxF from CDII to HCAI.</u>