



Issue Brief: California’s Data Sharing Agreement and Policies and Procedures

Updated February 2023

The California Health and Human Services Agency’s Data Exchange Framework (DxF) is the first-ever, statewide data sharing agreement that will accelerate and expand the exchange of health information among health care entities, government agencies, and social service programs. The DxF will be fully implemented statewide, facilitating the secure exchange of health and social services information for most entities by January 31, 2024.

To join the DxF, many health entities are required by law to take the first step of a year-long implementation process, by signing the DxF Data Sharing Agreement (DSA) and following a common set of terms, conditions, and obligations set forth in shared Policies & Procedures (P&Ps). The P&Ps have been under development since early 2022 and continue to be developed in 2023, through a public and collaborative process that is designed to consider the needs of all health and social services providers and the individuals they serve.

Key provisions of the Data Sharing Agreement and Policies and Procedures

The DSA and P&P are required under [Assembly Bill 133 \(2022\)](#).¹ AB 133 requires certain entities to “exchange health information or provide access to health information to and from” other specified entities in “real-time” by January 31, 2024. These entities include general acute care and psychiatric hospitals, physician organizations and medical groups, skilled nursing facilities (SNFs), clinical labs, and health care service plans and Medi-Cal Managed Care Plans. Other entities, such as physician practices with fewer than 25 physicians, will not need to comply with the mandate until January 31, 2026.

The DSA defines “Health and Social Services Information” as “any and all information received, stored, processed, generated, used, transferred, disclosed, made accessible, or shared pursuant to this Agreement... Health and Social Services Information may include PHI, PII, deidentified data..., anonymized data, pseudonymized data, metadata, digital identities, and schema.”²

Below are several topics and associated provisions addressed by both the final DSA and P&Ps released by CDII on July 5, 2022:

¹ Cal. Assem. Bill 133, 2021-2022 Reg. Sess. (2022) (hereinafter “A.B. 133”).

² CDII, California Health and Human Services Data Exchange Framework: Single Data Sharing Agreement (last updated November 3, 2022), https://www.chhs.ca.gov/wp-content/uploads/2022/11/1-CalHHS_DSA_Final_v1_7.1.22-11.8.22.pdf.



Requirement to exchange health and social services information (P&P OPP-5)³	Participants have an obligation to share certain data with all other participants, unless they do not have the data requested or cannot share it under law.
Data elements to be Exchanged (P&P OPP-8)⁴	Health care providers are required to share clinical data, while health plans are required to share claims, encounter, and clinical data.
Methods to exchange data (P&P OPP-5)⁵	Participants may use various technology solutions to support the exchange of Health and Social Services Information, including Qualified Health Information Organizations (HIOs).
Permitted, required, and prohibited uses (P&P OPP-4)⁶	Participants are required to share data related to Treatment, Payment, and some Health Care Operations activities (as defined under HIPAA) that do not require patient authorization and are permitted to share data where allowed by law and subject to patient authorization. Participants cannot access information through the DSA with the intention of selling that data and cannot charge fees to other participants for any exchange.
Breach notification (P&P OPP-3)⁷	Participants must notify the Governance Entity (once established) and any affected participants of any breach, in addition to complying with all other applicable breach notification laws.
Individual access services (P&P OPP-7)⁸	Individuals have the right of access to inspect and copy their data maintained by any Participant, except where the Participant has sufficient grounds to deny such right of access under applicable law.

³ CDII, OPP-5: Requirement to Exchange Health and Social Services Information (last updated July 5, 2022), https://www.chhs.ca.gov/wp-content/uploads/2022/07/7.-CHHS_DSA-Requirement-to-Exchange-Health-and-Social-Services-Info-PP_Final_v1_7.1.22.pdf.

⁴ CDII, OPP-8: Data Elements to Be Exchanged (last updated July 5, 2022), https://www.chhs.ca.gov/wp-content/uploads/2022/12/4_CHHS_DSA-Data-Elements-to-Be-Exchanged-PP_Final_v1_11.16.22_For-Posting.pdf.

⁵ See supra note iv.

⁶ CDII, OPP-4: Permitted, Required and Prohibited Purposes (last updated July 5, 2022), https://www.chhs.ca.gov/wp-content/uploads/2022/07/6.-CHHS_DSA-Permitted-Required-and-Prohibited-Purposes-PP_Final_v1_7.1.22.pdf.

⁷ CDII, OPP-3: Breach Notification (last updated July 5, 2022), https://www.chhs.ca.gov/wp-content/uploads/2022/07/5.-CHHS_DSA-Breach-Notification-PP_Final_v1_7.1.22.pdf.

⁸ CDII, OPP-7: Individual Access Services (last updated July 5, 2022), https://www.chhs.ca.gov/wp-content/uploads/2022/07/9.-CHHS_DSA-Individual-Access-Services-PP_Final_v1_7.1.22.pdf.



Remaining Policy Issues to Address through P&Ps

CDII is currently developing additional P&Ps through its interim stakeholder process, which include the following topics:

- State-specific information blocking prohibitions
- Technical requirements for exchange
- Real-time exchange
- Early exchange
- Additional privacy standards and security safeguards

CDII is also developing a qualification process for health information organizations. These qualified health information organizations (QHIOs), as defined in the DSA, can serve as data sharing intermediaries, similar in concept to the qualification process developed for the California HIE Onboarding Program (Cal-HOP).⁹

CDII has also indicated that it will work in 2023 to receive statutory authority for governance and enforcement. The DSA and P&Ps reference a governance entity that will oversee the DxF and develop subsequent policies and enforcement.

About the Multi-Association Proposal for the CalHHS Data Exchange Framework (DxF) Initiative

Groups including [America's Physician Groups](#), [California Academy of Family Physicians](#), [California Quality Collaborative](#), [California Association of Area Agencies on Aging](#), [California Association of Health Facilities](#), and [California Association of Health Information Exchanges](#) have come together to inform their members about the California DxF and Data Sharing Agreement (DSA). [Transform Health](#) and [BluePath Health](#), through [Connecting for Better Health](#), are providing facilitation and management support for this initiative. For more information about the Multi-Association Initiative, and the Data Exchange Framework, [please visit our webpage](#) or email us at dxfeducation@connectingforbetterhealth.com.

⁹ CDII, Draft California Data Exchange Framework: Qualified Health Information Organization (QHIO) Application 2023 (January 10, 2023), <https://www.chhs.ca.gov/wp-content/uploads/2023/01/QHIO-2023-Application-Parts-A-and-B-for-IAC-01-10.2023-1.pdf>.