



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Behavioral Wellness
Department No.: 043
For Agenda Of: February 28, 2023
Placement: Administrative
Estimated Time: N/A
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department: Antonette Navarro, LMFT, Director
Director(s): Department of Behavioral Wellness, (805) 681-5220
Contact Info: Jamie Huthsing, Division Chief of Quality Care Management
Behavioral Wellness, (805) 681-5220
SUBJECT: Behavioral Wellness – California Health and Human Services Agency (CalHHS)
Data Exchange Framework Single Data Sharing Agreement

County Counsel Concurrence:

As to form:

Auditor-Controller Concurrence:

As to form:

Other Concurrence: Risk Management

As to form:

Recommended Actions:

That the Board of Supervisors:

- A. Approve, ratify, and authorize the Director of the Department of Behavioral Wellness or designee to execute the **California Health and Human Services Agency (CalHHS) Data Exchange Framework (DxF) Single Data Sharing Agreement (DSA)** to facilitate statewide data exchange of Health and Social Services Information among health care entities, government agencies, and social service programs from January 31, 2023 until the Agreement is terminated (Attachment A); and
- B. Delegate to the Director of the Department of Behavioral Wellness or designee the authority to terminate the Agreement without requiring the Board's approval of the termination, subject to the Board's ability to rescind this delegated authority at any time; and
- C. Determine that the above actions are organizational or administrative activities of the government that will not result in direct or indirect physical changes in the environment and are therefore not a project under the California Environmental Quality Act (CEQA) pursuant to section 15378(b)(5) of the CEQA Guidelines.

Summary Text:

This item is on the agenda to request the Board of Supervisors (Board) to approve, ratify, and authorize the Director of Behavioral Wellness (BWell) or designee to execute the CalHHS Data Exchange Framework (DxF) Single Data Sharing Agreement (DSA) to facilitate data exchange of Health and Social Services Information among health care entities, government agencies, and social service programs in accordance with all applicable federal, state, and local laws, regulations, and policies for the period of January 31, 2023 and to continue until terminated.

Background:

In July 2021, the Legislature passed Assembly Bill 133. That legislation (as codified in Health and Safety Code section 130290) directed CalHHS to develop a Data Exchange Framework that would include a single Data Sharing Agreement and common set of Policies and Procedures for governing the exchange of electronic health information across the state. Dozens of experts representing a broad spectrum of California’s health and human services systems, organizations, and public agencies—along with more than 600 members of the public—helped shape the development of these new “rules of the road” for facilitating timely and secure access to electronic health information.

On July 5, 2022, CalHHS released the Data Exchange Framework, the Data Sharing Agreement, and the initial set of Policies and Procedures. The Data Exchange Framework is not a new technology or centralized data repository. It is an agreement across health and human services systems and providers to share health information safely and in compliance with all applicable federal, state, and local laws, regulations, and policies to provide enhanced care and services to patients and improve health outcomes of patients. The Policies and Procedures are incorporated into the Data Sharing Agreement and address topics that include the data elements to be exchanged among DxF participants, privacy and security safeguards, and breach notification.

The agreement requires bidirectional access to electronic health information, creating equitable and affordable health information exchange so that patients, providers, and other healthcare entities can access the health information they need, wherever they are and whenever they need it. DxF participants include hospitals, physician organizations and medical groups, skilled nursing facilities, health plans and disability insurers, clinical laboratories, and acute psychiatric hospitals and any other person or organization that is a signatory to the Data Sharing Agreement including, but not limited to, health information networks, community information exchanges, laboratories, health systems, health IT developers, community-based organizations, payers, governmental agencies, research institutes, or social services organizations.

While BWell is not a mandatory DxF participant, participation by county health is encouraged. (Health & Saf. Code, § 130290, subd. (e).) CalHHS provided a deadline of March 1, 2023 for county entities to execute the DSA and a target date of January 31, 2024, to begin sharing health and social services information (HSSI).

The approval of this Agreement will help address health inequities and disparities among all California and County residents by filling the gap in data completeness, making data available to drive decision-making and outcomes in a timely manner, improving data collection and exchange with whole persons care needs in alignment with federal and state standards, and promoting individual data access.

Additionally, the Agreement will allow BWell to reinforce individual data privacy and security, adhere to data exchange standards, and ensure accountability amongst all participants who enter into the single data exchange agreement. Additionally, the Dx F DSA will allow BWell to comply with the California Advancing and Innovating Medi-Cal (CalAIM) standards under the Behavioral Health Quality Improvement (BHQIP) and receive incentives by reaching program milestones established by CalAIM, for the advancement and improvement of quality service delivery.

Fiscal and Facilities Impacts:

Budgeted: N/A

Fiscal Analysis:

There is no fiscal impact associated with the approval of this Agreement. In July 2023, BWell will convert to a new statewide electronic health record (EHR) system through California Mental Health Services (CalMHSA). The EHR system was approved on November 1, 2022 and funding was secured through the FY 22-23 approved Budget. Funding for subsequent years will be contingent upon Board approval. The Dx F goes into effect as of January 31, 2024 and any modifications will be built into the new EHR system.

Key Contract Risks:

There are risks related to safeguarding and protecting PHI when exchanging data with other health care organizations. However, this agreement limits the exchange to the minimum PHI and PII necessary to achieve the purpose for which the information is shared. Each party shall be responsible for its acts and omissions and not for the acts and omissions of another party. As a result of entering into the DSA, a new data breach policy was established by CalHHS, in addition to recently releasing updated drafts of four new policies under Dx F to support the implementation of the DSA. To mitigate risks, BWell will ensure that any BWell policies are revised, as needed, in order to comply with the new Dx F DSA guidelines prior to the January 2024 implementation date. Additionally, BWell has the ability to terminate the agreement within 10 days' notice to CalHHS.

Special Instructions:

Please send one (1) minute order and one (1) complete copy of the above contract to dmorales@sbcbswell.org and the BWell Contracts Division at bswellcontractsstaff@sbcbswell.org.

Attachments:

Attachment A: CalHHS Dx F DSA BC

Authored by:

D. Morales