



Health & Human Services Agency

COUNTY OF TULARE AGENDA ITEM

BOARD OF SUPERVISORS

LARRY MICARI
District One

PETE VANDER POEL
District Two

AMY SHUKLIAN
District Three

EDDIE VALERO
District Four

DENNIS TOWNSEND
District Five

AGENDA DATE: May 2, 2023 REVISED

Public Hearing Required	N/A
Scheduled Public Hearing w/Clerk	N/A
Published Notice Required	N/A
Advertised Published Notice	N/A
Meet & Confer Required	N/A
Budget Transfer (Aud 308) attached	N/A
Personnel Resolution attached	N/A
Agreement(s) attached	Yes

CONTACT PERSON: Natalie Bolin PHONE: 559-624-8000

SUBJECT: Ratify and approve an agreement with the California Health & Human Services Agency

REQUEST(S):

That the Board of Supervisors:

1. Ratify and approve an agreement with the California Health & Human Services Agency to allow the Tulare County Health and Human Services Agency to exchange Protected Health Information for certain Medi-Cal beneficiaries as required by state law, retroactive to January 31, 2023. This agreement is retroactive due to the delayed discovery of a statutorily imposed deadline for execution making it impracticable for the Board to take action prior to January 31, 2023.
2. Find that the Board had the authority to enter into the agreement as of January 31, 2023 and that it was in the County's best interest to enter into the agreement on that date.
3. Ratify the Tulare County Health and Human Services Agency Director's electronic signature submitted through the California Health & Human Services Agency Data Sharing Agreement signing portal.
4. Authorize the Tulare County Health and Human Services Agency Director or designee to electronically sign ongoing Data Exchange Framework agreements for other Agency facilities or subordinate entities within the Agency through the California Health & Human Services Agency Data Sharing Agreement signing portal.

SUMMARY:

On July 27, 2021, Governor Gavin Newsom signed Assembly Bill 133 (AB 133) into law requiring providers and health plans to share data with each other by January 31, 2024.

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DATE: May 2, 2023

AB 133 established the California Health and Human Services Data Exchange Framework (DxF), an agreement across health and human services systems and providers to share information safely. The DxF developed the single data sharing agreement and common set of policies and procedures that will govern and require the exchange of health information among health care entities and government agencies in California. All participating entities will exchange health information or provide access to health information to and from every other entity in real time for treatment, payment, or health care operations. The data exchanged through the DxF agreement will allow health care providers access to information needed to provide safe and rapid treatment; health care, behavioral health, and social services agencies will work together to deliver services based on the individual's needs; and our public health system can better assess how to address the needs of communities.

Tulare County Health & Human Services Agency (HHSA) is required to execute the DxF data sharing agreement with the California Health & Human Services Agency (CalHHS) to "exchange health information or provide access to health information to and from" with other specified entities in real-time, by January 31, 2024. Other specified entities described in AB 133 include general acute care hospitals, physician organizations and medical groups, skilled nursing facilities, health care service plans, disability insurers, Medi-Cal Managed Care Plans, clinical laboratories, and acute psychiatric hospitals. The purpose of the agreement is to implement provisions of AB 133, the California Health and Safety Code § 130290 enacted in 2021, which establishes the creation of the California Health and Human Services Data Exchange Framework and requires certain data sharing between County Mental Health Plans (MHPs) and Managed Care Plans (MCPs) as set forth in California Health and Safety Code § 130290(f). CalHHS informed HHSA, Public Health Branch that the deadline to approve and submit the agreement was January 31, 2023, therefor the HHSA Director electronically signed the CalHHS DxF data sharing agreement through the signing portal on January 31, 2023, to meet the deadline requirement. HHSA is requesting ratification of the HHSA Director's electronic signature. Additionally, HHSA is requesting the HHSA Director maintain signing authority when adding or removing other Agency facilities or subordinate entities within the Agency, as other HHSA branches or programs may want to sign the DxF data sharing agreement, which sets a common set of policies and procedures to share statewide health information exchange (HIE); support Whole Person Care; promote individual data access; and reinforce data privacy and security.

The DxF data sharing agreement aligns with the California Department of Health Care Services California Advancing and Innovating Medi-Cal (CalAIM) data sharing authorization guidance that was issued March 2022, which set out specific guidance that supports data sharing between MCP health care providers, community-based social and human service providers, local health jurisdictions, and County and other public agencies that provide services and managed care under CalAIM. The DxF data sharing agreement addresses how MHPs and MCPs will share information to coordinate the care of Medi-Cal beneficiaries while supporting the CalAIM initiative and remaining in compliance with all applicable federal and state laws. The agreement also sets forth a common set of terms, conditions, and obligations to support secure real-time access to data between MHPs and MCPs. This agreement is not intended to replace or supersede any existing

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or future agreements between HHSA and MCPs.

While counties are not required in statute to execute the DxF data sharing agreement, the California Department of Health Care Services clarified in BHIN 22-050 that in order to receive Behavioral Health Quality Improvement Program (BHQIP) Incentive Payment 2, counties electing Milestone 3a: Option 1 (Demonstrating direct data sharing with their MCPs) must execute the CalHHS DSA. On August 22, 2022, Tulare County, in collaboration with the California Mental Health Services Authority (CalMHSA), entered into an agreement (Agreement No. 30811) to execute deliverables to meet the California Advancing and Innovating Medi-Cal (CalAIM) BHQIP required milestones. HHSA's Mental Health Department is required to meet the DxF data sharing agreement deliverable by September 1, 2023, as it elected to participate in the following BHQIP deliverables: payment reform, policy changes, and data exchange.

The following terms deviate from the standard County boilerplate: 1) The agreement is evergreen; and 2) The County signed first.

FISCAL IMPACT/FINANCING:

There is no cost associated with this agreement; therefore, there is no additional net County cost to the General Fund.

LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:

The County's five-year strategic plan includes the Quality of Life Initiative that encourages the innovative provision of quality supportive services for at-risk adults, youth, and children in state and federally mandated programs. This agreement increases the ability to fulfill that obligation by addressing how to best serve and coordinate services for Medi-Cal members.

ADMINISTRATIVE SIGN-OFF:

/s/ Natalie Bolin

Natalie Bolin

Director of Mental Health

Cc: County Administrative Office

Attachments: Agreement