



San Bernardino County

Legislation Text

File #: 10410, Agenda Item #: 30

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF SAN BERNARDINO COUNTY
AND RECORD OF ACTION**

July 9, 2024

FROM

JOSHUA DUGAS, Director, Department of Public Health

SUBJECT

Non-Financial Agreement Template for Data Sharing

RECOMMENDATION(S)

1. Approve non-financial Data Exchange Framework: Single Data Sharing Agreement Template, including non-standard terms, provided by the California Health and Human Services Agency, for the provision of data sharing between the Department of Public Health and other County departments or outside agencies, effective upon execution for an indefinite term unless terminated upon 10 business days' prior written notice.
2. Authorize the Director of the Department of Public Health to execute the non-financial Data Exchange Framework: Single Data Sharing Agreement Template with other County departments or outside agencies.
3. Authorize the Director of the Department of Public Health to electronically submit the executed non-financial Data Exchange Framework Data Sharing Agreements to the California Health and Human Services Agency on behalf of the Department of Public Health.

(Presenter: Joshua Dugas, Director, 387-9146)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Improve County Government Operations.

Provide for the Safety, Health and Social Service Needs of County Residents.

Pursue County Goals and Objectives by Working with Other Agencies and Stakeholders.

FINANCIAL IMPACT

This item does not impact Discretionary General Funding (Net County Cost) as this agreement is non-financial in nature.

BACKGROUND INFORMATION

California Health and Safety Code section 130290 was enacted in 2021 and establishes the creation of the California Health and Human Services Data Exchange Framework and requires certain data sharing among entities such as health care entities, government agencies, and/or social service programs. Data shared through Data Exchange Framework: Single Data Sharing Agreements will be used to better understand and manage health care needs and conditions of patients, assess the impact of services, and make informed decisions regarding the quality improvement of services.

As part of the Data Exchange Framework, participants must agree to utilize the Non-Financial Data Exchange

Framework: Single Data Sharing Agreement Template (DSA). It is for use by health care entities, government agencies, and/or social service programs as guiding principles and a standardized document for the agencies to use when the exchange of data is needed. The Department of Public Health (DPH) will use the DSA with applicable agencies, which may include the Managed Care Plans (Inland Empire Health Plan [IEHP] and Molina Healthcare), other County departments, health information networks, laboratories, health systems, community-based organizations, other government agencies, research institutes, and any other health entity that needs to exchange information.

The DSA includes terms that differ from the standard County contract and omits certain County standard contract terms. The non-standard terms include :

1. Venue for disputes arising under the DSA is in state and federal courts within 25 miles of Sacramento, California.
 - The County standard contract requires the venue for disputes to be the Superior Court of California, County of San Bernardino, San Bernardino District.
 - Potential Impact: Having a venue in Sacramento, California may result in additional expenses that exceed the DSA since it is non-financial.
2. The term of the DSA is indefinite and allows for termination by the County with or without cause with 10 business days' prior written notice.
 - The County standard contract term is five years and allows for termination of the contract for convenience with a 30-day notice.
 - Potential Impact: There is no end term to the DSA but allows the County to terminate the contract in a shorter timeframe of 10 business days' notice with or without cause.

Recommendation No. 1 will approve the use of the DSA between DPH and various agencies who require the exchange of health data. Recommendation No. 2 will allow the DPH Director to execute the data sharing agreements using the approved DSA template, upon approval from County Counsel, with applicable agencies. Lastly, Recommendation No. 3 will allow the DPH Director to electronically submit executed DSAs to the state, which is required to participate in the Data Exchange Framework.

The DSA is an integral part of the Data Exchange Framework as it provides for the sharing of information safely yet within the parameters of existing laws. DPH recommends approval of the DSA, including non-standard terms, as efficient and secure sharing of data will provide safe, effective, and whole person care to patients.

PROCUREMENT

N/A

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Adam Ebright, Deputy County Counsel, 387-5455) on June 21, 2024; Finance (Carl Lofton, Administrative Analyst, 387-5404) on June 20, 2024; and County Finance and Administration (Robert Saldana, Deputy Executive Officer, 387-5423) on June 21, 2024.