

November 20, 2023

By electronic submission

Mr. John Ohanian
Chief Data Officer, California Health and Human Services Agency
Director, Center for Data Insights and Innovation
1215 O Street, 11th Floor MS-08,
Sacramento, California 95814

re: Data Elements To Be Exchanged Policy & Procedure, ver. 1.1 (revised October 20, 2023)

Dear Mr. Ohanian:

Thank you very much for the request and opportunity to provide public comment and expertise regarding the draft Data Elements To Be Exchanged Policy & Procedure, version 1.1 (“Data Elements P&P”), which the Center for Data Insights and Innovation circulated for public comment on October 20, 2023.

1. The Data Elements P&P revises the approach to state that Participants shall use standardized data element formats, terminologies, and codes sets “to the extent they are supported by” the exchange standards listed in paragraph II.3.a (paragraph II.3.b). The word “supported” is ambiguous and problematic. For example, the Data Elements P&P, paragraph II.1.a.i.b, requires the exchange of Electronic Health Information (EHI) as defined in the Glossary, which overlaps with the data covered by the EHI Export module in certified EHR technology, 45 C.F.R. §§ 170.315(b)(10), 171.102. EHI Export (patient and population) can use a variety of standards, including standards other than those specified in paragraph II.3.a, so long as the developer provides documentation of the standard. Are Participants using such other exchange standards not required to exchange or export the EHI under this P&P because they do not support exchange under one of the listed standards, even if “supported” by others? A similar question arises in my mind regarding use of TEFCA. If a Participant uses a standard in paragraph II.3.a which TEFCA may not yet support (FHIR), does the Participant using TEFCA not need to exchange the data because not supported by TEFCA, even if otherwise supported by standards under paragraph II.3.a?

2. Given the revised approach of the Data Elements P&P, to state that Participants shall use standardized data element formats, terminologies, and codes sets “to the extent they are supported by” the exchange standards listed in paragraph II.3.a (paragraph II.3.b), do the SDOH Clinical Care Implementation Guide, or SDOH Clinical Care for Multiple Domains (FHIR IG), need to be listed explicitly among the exchange

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standards in paragraph II.3.a in order to cover exchange of the SDOH data elements and terminology standards in U.S. Core Data for Interoperability version 2?

Thank you again for the opportunity to share these thoughts. If you have any questions, or if I can provide any further help, please contact me at MarkSavage.eHealth@pacbell.net.

Very truly yours,

A handwritten signature in purple ink that reads "Mark Savage". The signature is written in a cursive, flowing style.

Mark Savage
Managing Director,
Digital Health Strategy & Policy

cc: DeeAnne McCallin
Courtney Hansen
Rim Cothren
Johan Frohlich