

Overview and Background

The Data Sharing Authorization Guidance Toolkits are designed to complement the California Advancing and Innovating Medi-Cal (CalAIM) Data Sharing Authorization Guidance (DSAG) by illustrating real world scenarios that will help Medi-Cal Partners navigate data privacy and data sharing laws and regulations related to CalAIM, including Assembly Bill 133 (*discussed in the Overview of Applicable Laws and Regulations section*). The Toolkits are intended to assist in making decisions that implicate data privacy rules that may differ across sectors.

Disclaimer

As the state's Medi-Cal agency, DHCS does not have the authority to interpret or enforce many of the federal privacy laws that apply to the disclosure of information under CalAIM and that are discussed and referenced throughout this Toolkit. As such, DHCS cannot provide legal advice to Medi-Cal Partners regarding when disclosures comply with applicable privacy laws. This document is meant to provide guidance only; Medi-Cal Partners should consult with their individual legal counsels before making any determinations regarding data-sharing and required consent.

Data Sharing Authorization Guidance Toolkits

- » Reentry Initiative
- » Housing Community Supports

The goals of these Toolkits are to:

- » Explain when, why, and under what circumstances consent¹ may be needed to share sensitive health and social service information (HSSI); and
- » Provide clarification on the laws pertaining to the sharing of sensitive HSSI.

Each Toolkit is divided into the following sections:

- » An overview of applicable laws and regulations

¹ In the context of this Toolkit, "consent" means an individual's consent to share their information with other stakeholders.

- » Actors that represent various partners in the Toolkit scenarios
- » Specific scenarios that describe when HSSI might be shared with partners across various sectors
- » The types of data shared by each Actor in a particular scenario that will inform and support decision-making for the delivery of the various Program Services

What is the Data Sharing Authorization Guidance?

In 2021, California enacted Assembly Bill (AB) 133² that broadly permits disclosure of personal information among Medi-Cal Partners³ if such disclosure helps implement the goals of CalAIM and is consistent with federal law. The Department of Health Care Services (DHCS) developed the DSAG to fulfill DHCS' obligations under AB 133 to issue guidance identifying permissible data sharing arrangements under CalAIM. The DSAG also seeks to bridge the gap between the changed application of certain laws in California as a result of AB 133 and previously published guidance that was developed before the passage of AB 133.

In addition to providing guidance to Medi-Cal Partners⁴ and other stakeholders on AB 133, the DSAG outlines how other data privacy laws, such as the Health Insurance Portability and Accessibility Act (HIPAA), and regulations, such as 42 C.F.R. Part 2, interact with the changes imposed by AB 133.

² CA Legislature, "Assembly Bill No. 133", July 2021, available at:

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB133

³ CA Department of Health Care Services, "CalAIM Data Sharing Authorization Guidance," October 2023, available at <https://www.dhcs.ca.gov/CalAIM/ECM/Documents/CalAIM-Data-Sharing-Authorization-Guidance.pdf>

⁴ **Medi-Cal Partners** refers to any person or organization that provides Medi-Cal reimbursable health and social services, including Managed Care Plans (MCPs), Tribal Health Programs, health care providers, community-based organizations (CBOs), correctional facilities, county behavioral health agencies, county health and human services, and other public agencies.