

**AGREEMENT CREATING THE [REDACTED] BEHAVIORAL HEALTH COALITION DATA SHARING
SYSTEM AND GOVERNANCE STRUCTURE**

This Agreement is made and entered into by the following parties: [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

This Agreement establishes a cooperative framework for the purpose of sharing specific data through a Data Management System. The Parties to this Agreement hereby agree to the governance of this system as described below.

WHEREAS: the Parties desire to implement and maintain a Data Management System for the purpose of sharing information regarding the treatment and care of persons suffering from acute mental illness in [REDACTED] [REDACTED] as well as information generated outside of [REDACTED] [REDACTED] regarding such persons.

WHEREAS: The Parties acknowledge and incorporate by reference any and all constraints, restrictions and requirements for access, use, compilation, reporting, storage and distribution of health care information and confidential criminal justice information inclusive of, and not limited to, those requirements specified by the [REDACTED] [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED] Applicable federal laws include the Health Insurance Portability and Accountability Act (HIPAA), 45 CFR Parts 160, 162, and 164, 42 CFR Part 2, and 28 CFR Part 20 (Subpart B).

WHEREAS: This Agreement memorializes creation of the [REDACTED] [REDACTED] Data Management System ("System") and its Governing Board ("Board").

NOW, THEREFORE, IT IS AGREED BY AND AMONG THE PARTIES HEREIN AS FOLLOWS:

ARTICLE 1: GOVERNING BOARD

Upon ratification of this Agreement by the Parties, a Governing Board is created consisting of one representative of each of the Parties.

ARTICLE 2: PURPOSE

The Board will ensure the following:

- a. that System Data will be shared among the Parties and that the Parties will cooperate to remove barriers to sharing data;
- b. that rules will be implemented describing how System Data will be acquired, stored, disseminated, safeguarded, and destroyed;
- c. that the System and its hardware/software components will be adequately funded;
- d. that processes are in place to manage and respond to all public information requests, subpoenas, court orders, or other third party requests related to System Data.

ARTICLE 3: ORGANIZATION AND GENERAL POWERS AND DUTIES

1. The Board will consist of [REDACTED] voting members. The Board's voting members include a representative from each of the following entities: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
2. During the Board's first meeting it must elect a Chair. The Chair serves a one-year term. The Board must elect a Vice-Chair, who shall serve a one-year term. The first Vice-Chair shall become the Chair at the conclusion of the first Chair's term. The Board must then elect a new Vice-Chair. The Vice-Chair may not be the immediate past Chair.
3. If the Chairperson is in attendance, he/she shall preside over the Board meetings and set the agenda. In the Chairperson's absence, the Vice-Chairperson shall preside over meetings and set the agenda.
4. A quorum of the voting members must be present for all meetings of the Board. A quorum is established if a simple majority of board members are in attendance or participating in board decisions via a proxy.
5. Provided a written proxy is provided to the Chair at the start of a meeting, proxy voting is permitted by members.
6. A majority vote of the voting members is required for the passage of any act of the Board.

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7. The Board shall hold quarterly meetings. Board members will agree to a regular meeting time and location. Ad hoc meetings can be established by the Board Chair or Vice-Chair, and will need to follow the quorum rules for meeting attendance.
 8. During its initial meeting the Board will establish two initial standing Committees: the Policy/Budget Committee; and the Technical Committee. The Board will vote on a Chair for each committee. The Chair must be a Board member. The size of each standing Committee may vary, dependent upon the required expertise and scope of Committee activities. At a minimum, each Committee will have at least 3 members, one of which is the Chair and two additional Board members. Each Committee may invite additional non-voting members to join the Committee(s), in each Committee's discretion.
 9. The Policy/Budget and Technical Committees must meet at least twice per year.

The Board may vote to amend Article 3 Section 1 of this Agreement to include additional organizations. In the event the Board amends Article 3 Section 1, the new organization(s) shall appoint a voting member to the Board within 30 days.

ARTICLE 4: COMMITTEES

10. Policy/Budget Committee:

- a. The Committee shall develop the Data Sharing components of this agreement that will govern the use, access, maintenance, distribution, manipulation, security, and re-sharing of System's data.
- b. The Committee shall create an onboarding process to add organizations to the Master Data Sharing Agreement and the Board.
- c. The Committee, in conjunction with the Board, shall develop a Master Data Sharing Agreement to be approved by the Board. This Agreement shall include, at a minimum, the following:
 - i. Parties' compliance with applicable law;
 - ii. Cooperation among and between the Parties on issues, tasks and requests related to this Agreement;

- iii. The purposes for which System Data may be transmitted;
 - iv. How a party may use its System Data;
 - v. How breaches of privacy or operating policies will be reported;
 - vi. Ensuring that the Parties' passwords and security measures are not disclosed to outside agencies or persons;
 - vii. The execution of user acknowledgement forms by all persons using or having access to the System; and
 - viii. Cooperation with external audits.
- d. The Committee shall develop and recommend the annual budget to the Board.
 - e. The Committee shall explore possible funding sources for the System and its functions.

11. Technical Committee.

- a. The Committee provides technical advice and recommendations to the Board on all matters pertaining to the technical functions of the System.
- b. The Committee evaluates procurement and implementation for the following:
 - i. hardware and software;
 - ii. maintenance and replacement of hardware and software;
 - iii. any third-party vendors needed for data transmission, storage, and evaluation;
 - iv. data auditing;
 - v. data conversion;
 - vi. data transmission; and
 - vii. security of all system data.

[REDACTED]

In witness whereof the parties have signed this Agreement.

Name	Title	Signature	Date
[REDACTED]	[REDACTED] [REDACTED]	[REDACTED]	7/11/2023
[REDACTED]	[REDACTED] [REDACTED] [REDACTED]		8/7/2023
[REDACTED]	[REDACTED] [REDACTED] [REDACTED]		8/8/2023
[REDACTED]	[REDACTED] [REDACTED] [REDACTED]		7/14/2023
[REDACTED]	[REDACTED] [REDACTED] [REDACTED]		7/11/2023
[REDACTED]	[REDACTED] [REDACTED]		7/11/2023
[REDACTED]	[REDACTED] [REDACTED]		7/18/2023
[REDACTED]	[REDACTED] [REDACTED]		7/13/2023
[REDACTED]	[REDACTED] [REDACTED]		7/28/2023
[REDACTED]	[REDACTED]		7/20/2023
[REDACTED]	[REDACTED] [REDACTED]		7/11/2023
[REDACTED]	[REDACTED] [REDACTED]		7/28/2023

