**DELEGATE AGREEMENT**

**(Multiple Delegates)[[1]](#footnote-1)**

THIS DELEGATE AGREEMENT is made by and between \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (the “Authorizing User”), on the one hand, and \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (“Delegate 1”), \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (“Delegate 2”), and \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (“Delegate 3”), on the other hand. Delegate 1, Delegate 2, and Delegate 3 are collectively referred to herein as “the Delegates.” The Authorizing User and the Delegates are sometimes collectively referred to herein as “the parties.”

**RECITALS**

 A. On April 11, 2022, the California Department of Justice (CA DOJ) released an optimized Controlled Substance Utilization Review and Evaluation System (CURES). The optimized CURES includes new system features, including functionality authorized through recent legislation. One of these features is an expanded Delegate role, through which Delegates are authorized to directly access data in CURES.

B. CA DOJ, in regulations at California Code of Regulations, title 11, division 1, chapter 8.5, has defined such relevant terms as “Authorizing User,” which represents the qualifying individual granting the delegation of authority to the Delegate, and “Delegate,” which represents the qualifying individual to whom authority is granted by the Authorizing User. The eligibility criteria for Authorizing Users and Delegates are established in those respective definitions.

C. To establish a Delegate association in the optimized CURES, an Authorizing User must enter into a Delegate Agreement with any individual to whom that Authorizing User wishes to delegate authority to access data in CURES on his or her behalf. The regulations that were the subject of the proposed rulemaking published by CA DOJ set forth the minimum mandatory content of the Delegate Agreement between the parties.

D. The above-referenced Authorizing User, now desiring to delegate authority to the above-referenced Delegates to access data in CURES, and those Delegates, now desiring to assume such authority in order to access data in CURES as Delegates on behalf of that Authorizing User, hereby enter into this Delegate Agreement in accordance with the regulations that were the subject of the proposed rulemaking published by CA DOJ.

**AGREEMENT**

NOW, THEREFORE, the Authorizing User and the Delegates hereby agree as follows:

1. The effective date of the Authorizing User’s delegation of authority to the Delegates, and the expiration date of that delegation of authority, are established by this paragraph. These two dates establish the term of this Delegate Agreement. **The parties understand that the Delegate Agreement must not exceed 12 month from the effective date.**

Effective Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Expiration Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

2. The Authorizing User understands and acknowledges that the Authorizing User is responsible for all access and use of CURES by the Delegates, including the Delegates’ compliance with the laws and regulations governing the Delegates’ access and use of CURES.

3. The Delegates understand and agree to comply with the laws and regulations governing the Delegates’ access and use of CURES, including the requirements on accessing data in CURES, and the requirements on use and disclosure of data obtained from CURES.

4. The Delegates understand that the Delegates’ access and use of CURES is subject to audit by the Authorizing User.

5. The Authorizing User and each Delegate understands that either may terminate this Delegate Agreement, in either party’s sole discretion, prior to the expiration of the term of the Delegate Agreement; provided, however, if an Authorizing User or a Delegate terminates the Delegate Agreement prior to the expiration of the term of that Delegate Agreement, and the Delegate Agreement is between one Authorizing User and multiple Delegates, the Delegate Agreement will remain in full force and effect as to the remaining Delegates.

6. [**Optional paragraph(s).** The Delegate Agreement may include additional requirements or provisions to which the parties consent, provided those requirements are consistent with the laws and regulations governing the Delegate’s access and use of CURES.]

**Authorizing User:**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

[Print Name] Date

**DELEGATE 1:**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

[Print Name] Date

**DELEGATE 2:**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

[Print Name] Date

**DELEGATE 3:**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

[Print Name] Date

1. This Sample Delegate Agreement version is between an Authorizing User and multiple Delegates. While this sample displays three Delegates, it can be customized to include the desired number of Delegates. [↑](#footnote-ref-1)