

Delaware Health Care Claims Database Committee Monthly Meeting

**Thursday, August 23rd, 2018
1:00pm - 3:00pm ET**

**Delaware Health Information Network
107 Wolf Creek Blvd., Suite 2
Dover, DE 19901**

Meeting Minutes

CALL TO ORDER:

Committee Chairperson Meredith Stewart-Tweedie called the meeting to order at 1:05 p.m.

WELCOME AND INTRODUCTIONS:

Ms. Stewart-Tweedie welcomed everyone to the first of meeting of the Delaware Health Care Claims Database Committee and invited everyone to introduce themselves. See attached attendance record.

HCCD OVERVIEW:

Ms. Bernstein provided an overview of the goals of the meeting:

- Orient Committee members to the DE HCCD, how it came to be, accomplishments to date
- Introduce role of Committee members
- Review and vote to adopt/ament draft Committee Business Rules
- Review Conflict of Interest Statement
- Provide privacy and security orientation
- Discuss plans for publicly launching DE HCCD

Authority and Purpose:

The HCCD was authorized by Senate Bill 238, joining 18 other states that have, or are developing, similar databases. The HCCD collects cross-payer and cross-setting healthcare claims, enrollment, and associated provider data to support the following goals:

- Provide meaningful data to advance triple aim of improved health, health care, and lower costs
- Promote population health research and analysis (e.g. disease prevalence)
- Promote value-based and alternative payment arrangements
- Support provider risk-sharing arrangements

The Rules and Regulations pertaining to the HCCD were broken out into two parts. The first part, the Data Collection Regulation, became effective in October 2017. The Data Access Regulation became effective in March 2018.

Mandatory reporters to the HCCD include payers with the following lines of business in Delaware:

1. State Employee/Retiree Health Plans
2. Qualified Health Plans on DE Health Insurance Marketplace
3. Medicaid Plans
4. Medicare Plans

Data submission to the HCCD began in June 2018. There are currently 7 commercial health plans and 2 public payers that submit data for the current mandatory lines of business.

These required lines of business will be expanded when Governor Carney signs into law SB227. This law will expand the definition of Mandatory Reporter to include all health plans doing business in the state, which DHIN would likely operationalize to only include those with 1,000 covered DE lives or more.

Data Access:

The Data Access Regulation identifies the following allowable uses of the data:

- Promoting and Improving Public Health
- Advancing Triple Aim
- Providing Information to Effectively Manage Risk

The regulation also allows the release of de-identified data, limited data sets, and identified data. These terms are aligned with the HIPAA Privacy Rule.

All requests for HCCD data will require application and approval from the Committee, except in the following instances:

- Request from DHIN to use the HCCD data for integration with the Community Health Record
- Requests from collaborating state agencies who have signed an Interagency Agreement
- Requests from reporting entities/mandatory reporters for their own data

Requests for de-identified data without any payer-specific pricing information may be eligible for expedited Committee review if they do not come from out-of-state commercial organization whose goals do not directly benefit Delawareans.

Dr. Kauffman asked whether we would collect historical data from any new plans that begin submitting data once SB227 is passed. Dr. Lee responded that in fact the bill has already passed both houses, but once the Governor signs it into law we would have the authority to collect historical data. Historical data would allow us to view trends in healthcare cost and utilization over time.

HCCD Committee Draft Business Rules:

The HCCD Committee meetings are subject to the DE Sunshine Laws.

Role of DHIN on the Committee will include the following:

- Review all received applications for completeness
- Inform applicant of when their application will be reviewed and invite them to attend
- Notify Reporting Entities whose data is being requested; consolidate written comments for Committee review
- Draft meeting agenda for Chairperson review
- Attend and facilitate meetings; serve as secretary
- Communicate Committee's decision to applicant

The Committee will determine by majority vote whether to approve applications for data. Committee decisions will not be subject to appeal. Committee members' vote on whether to approve applications shall be based on the following considerations:

1. Intended use is consistent with statutory purpose of HCCD
2. Access to requested data is necessary to achieve intended goals
3. Access to requested data will not provide unfair competitive advantage to requestor
4. Requestor is qualified to serve as responsible steward of the data
5. Comments received from Reporting Entities whose data is being requested
6. Whether request complies with state and federal laws relating to privacy and security of Protected Health Information
7. Whether request complies, to fullest extent practicable, with Statement 6 of the DOH and Federal Trade Commission Policy regarding exchange of price and cost information

Committee members shall also sign an annual conflict of interest statement, recuse themselves from discussions in which they have a conflict of interest, miss no more than 3 consecutive meetings, and attend at least half of all meetings each year.

Dr. Lee attended that a quorum of Committee members will need to be present in order to convene each meeting. Committee members who join by phone can participate in discussions but are not able to vote. Ms. Stewart-Tweedie added that a quorum is established at the start of each the meeting.

Dr. Kaufmann asked whether the Committee Business Rules stipulate how quickly the Committee must review each application. Ms. Bernstein answered that there were no time commitments in the Business Rules.

Ms. Inskip asked whether the Committee members would receive materials and applications in advance of Committee meetings to have ample time to review. Scott Perkins responded that because the Sunshine Law requires a 7-day lead time for publishing meeting agendas, Committee members would receive meeting agendas and materials at least 7 days in advance.

Meredith Stewart-Tweedie motioned for the approval of the draft Committee Business Rules. Bernie Inskip seconded the motion. The Committee Business Rules were unanimously approved.

Privacy and Security Orientation:

Scott Perkins, DHIN Legal Counsel, provided an overview of relevant state and federal laws pertaining to privacy and security of protected health information and Statement 6 of the DOH and Federal Trade Commission Policy regarding exchange of price and cost information. These laws include:

- HIPAA
- HITECH
- Diagnosis-specific rules and regulations
 - Drug and Substance Abuse Treatment (42 CRF Part II)
 - Individuals who receive HIV-related tests (16 *Del. C.* § 717)
 - Individuals who receive genetic testing (16 *Del. C.* § 1205)
- Sherman Act
- Clayton Act
- Statement 6 of the DOH and Federal Trade Commission Enforcement Policy

Mr. Perkins added that the best tools for the Committee will be to condition access to the HCCD data and/or request more information from the requester.

Ms. Inskeep asked whether approved applicants would be able to retain the HCCD data in perpetuity. Mr. Perkins replied that the data can only be used for the approved projects and must be destroyed upon completion of the project. This provision will be included in a data use agreement which the user would sign and also be enforced through the requirement of a completed data destruction certificate.

Mr. Perkins also provided an overview of the conflict of interest requirement and passed around the DHIN Conflict of Interest form for Committee members to sign.

Dr. Kaufmann asked what types of data requests other similar state databases have received. Ms. Bernstein replied that other states have public records of approved data applications and these would be shared with the Committee members in the coming weeks.

Plans for Publicly Launching HCCD:

Summary tables and reports based on HCCD will be produced by October 31, 2018. Usable datasets are required in order to draw down additional funds for the HCCD under Senate Bill 236. The goal is to have HCCD data available for release, via applications, beginning in early 2019.

Public Comment:

No one from the public offered comments.

Next Committee Meeting:

The next Committee meeting is currently being scheduled. Will occur in late September/early October.

ADJOURN:

Committee Chairperson Meredith Stewart-Tweedie adjourned the meeting at 2:35 p.m.

Attendance:

Committee Member Present

Meredith Stewart-Tweedie
Jonathan Kaufmann
Jan Lee
Kathleen Matt
Faith Rentz
Jill Hutt
Liz Staber
Bernadette Inskeep
Karen Kane

Committee Members Absent

Stephen Lawless
James Spellman

DHIN Staff Present

Scott Perkins
Stacey Schiller
Mark Jacobs
Michael Sims
Randy Farmer
TerriLynn Palmer
Pier Straws
Lynn Misener
Jamie Rocke

Guests Present

Tanya Bernstein
Mary Jo Condon
Linda Green