



DELAWARE HEALTH CARE CLAIMS DATABASE HCCD Committee

Business Rules for Reviewing Data Requests

The Committee will abide by the following business rules for reviewing HCCD data requests.

Committee Member Obligations

1. Committee members shall vote on whether applications for HCCD data should be approved. Determinations for providing HCCD data to a requesting party will be made based on the majority vote of those Committee members present.
2. All Committee members shall be required, upon their appointment and on an annual basis thereafter, to sign a conflict of interest statement on the form approved by the DHIN Board of Directors.
3. All new Committee members will receive an orientation that includes:
 - a. Training on the protection of patient privacy and data security, including the federal Health Insurance Portability and Accountability Act; Titles XIX and XXI of the Social Security Act; the Health Information Technology for Economic and Clinical Health (HITECH) Act, and all other applicable state and federal laws relating to the privacy and security of protected health information;
 - b. Training on the guidance found in Statement 6 of the Department of Justice and Federal Trade Commission Enforcement Policy regarding the exchange of price and cost information;
 - c. Training on the DHIN conflict of interest statement;
 - d. Training on the legal framework and statutory purpose for the HCCD and HCCD Regulations.
4. Unless the DHIN by-laws say otherwise, a Committee member who misses more than 3 consecutive meetings, or more than half of the meetings in any given year, will be subject to removal by the DHIN Board of Directors unless the Board re-instates the Committee member by majority vote.

Role of DHIN Staff

1. In advance of the Committee's review of an application, DHIN staff will perform the following administrative tasks:
 - a. Review HCCD applications to ensure all required sections are complete; the type of data requested is available in the HCCD and aligns with the HCCD's statutory purpose; and the applicant's responses are clear and legible.

- b. Inform the applicant of the date and time of the Committee meeting during which his/her application will be reviewed, and encourage them to attend.
 - c. Notify all Reporting Entities whose data is being requested in the application. The notification shall include but not be limited to: a summary of the request; the specific claims data element(s) being requested; and the name of the requestor.
 - d. Consolidate all written comments received from notified Reporting Entities.
 - e. Draft an agenda for the Committee meeting, for approval by the Committee chairperson.
2. DHIN staff will serve as the facilitator and secretary for all Committee meetings. Unless specifically appointed as Committee members, DHIN staff will not be considered Committee members and will not vote on applications.
3. Following the Committee's review of an application, DHIN staff will communicate the Committee's decision to the applicant:
 - a. If the application is approved, staff will work with the applicant to collect a signed data use agreement and fees, if applicable.
 - b. If the application is approved with conditions, or requires edits or clarifications, staff will notify the applicant of the request and/or conditions and ensure these are addressed before moving forward with next steps.
 - c. If the application is denied, staff will send a list of major deficiencies identified by Committee members to the applicant. The applicant may make revisions and re-apply at a later date, up to a maximum of 3 total (re)submissions.

Meetings of the Committee

1. The meetings of the Committee shall be held at the principal office of the DHIN or at any place within the State of Delaware that the Committee may from time to time designate.
2. Regular meetings of the Committee shall be scheduled monthly or whenever called by the Chairperson.
3. The Committee shall conduct its business through in-person meetings, or meetings may be convened by video-conference or other alternative means, as may be required under special circumstances as determined by the Chairperson.
4. As set forth in 16 Del. C. § 10302, the Committee shall be authorized to conduct its business by a majority of a quorum. A quorum will be determined in accordance with the DHIN By-Laws. Once a quorum is present to organize the meeting, the meeting shall continue in effect notwithstanding the subsequent withdrawal of any of those present unless the status of a quorum is questioned by a Committee member.
5. The Chairperson shall preside at all meetings. If the Chairperson is unable to attend a meeting, the Chairperson may designate another Committee member to lead the meeting.
6. The DHIN staff shall attend each meeting to present applications and record decisions.
7. The order of business at all meetings of the Committee shall be proposed by DHIN staff and approved by the Chairperson, in the form of a meeting agenda.

Committee Review of HCCD Applications

1. The role of the Committee is to review applications for HCCD data by assessing the following:
 - a. Whether the intended use is consistent with the statutory purpose of the HCCD;
 - b. Whether access to the requested data is necessary to achieve the intended goals, including but not limited to the need for identifiable data, if requested;
 - c. Whether access to the requested data may provide an unfair competitive advantage to the requestor;
 - d. Whether any comments were received from Reporting Entities whose claims data is being requested, if applicable;
 - e. Whether the request complies with all applicable state and federal laws relating to the privacy and security of PHI;
 - f. Whether the applicant's proposed reports, analysis and subsequent data uses and distribution conform to Statement 6 of the Department of Justice and Federal Trade Commission Enforcement Policy regarding the exchange of price and cost information;
 - g. Whether the applicant is qualified to serve as a responsible steward of the requested data.
2. The Committee may request additional documentation, including third party security documents or Institutional Review Board review, from the applicant at any time during the review.
3. The applicant is strongly encouraged, but not required, to attend the Committee meeting during which his/her application is being reviewed
 - a. The applicant may attend the meeting in-person or via phone.
 - b. The applicant's role is to respond to clarifying questions from Committee members rather than to present the application to the Board.

Committee Voting Procedure

1. The Committee will follow the procedures below when voting on an application:
 - a. The Committee Chairperson will facilitate the voting process by requesting a motion to vote and a second to motion.
 - b. Committee members will each vote on one of the following decisions:
 - i. Approve application;
 - ii. Approve application if certain conditions are met to address minor deficiencies;
 - iii. Deny applications due to major deficiencies.
 - c. Each Committee member's vote will be recorded individually.
 - d. The Chairperson will document the majority decision in writing.
 - e. In the event of a split vote, the Chairperson will review each opinion and make a final decision.
2. The Committee will follow the procedures below regarding conflicts of interest:
 - a. Conflicts of interest are defined according to the DHIN conflict of interest rule.
 - b. Each Committee member is responsible for self-identifying a conflict of interest.

- c. When a Committee member identifies a conflict of interest, the Committee member shall:
 - i. Notify the Chairperson of the conflict as soon as possible, and at the latest at the start of the meeting during which the application will be reviewed.
 - ii. Recuse him or herself from the application discussion, if the member feels his or her participation in the discussion will influence the voting process.
 - iii. Recuse him or herself from voting on the application.