**Minutes**

**Delaware Health Care Claims Database (HCCD)**

**HCCD Committee Monthly Meeting**

**Monday, January 7th, 2019**

**DHIN Office: 107 Wolf Creek Blvd., Suite 2, Dover, DE 19901**

**3-5pm ET**

**Meeting Objectives:**

* Define Expedited review and the committee process for expedited review

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| **Agenda Item** | **Time** | **Lead Presenter** |
| 1. Call to Order and Welcome    1. **Action Item:** Approval of November 7, 2018   Meeting Minutes | 5 mins | Meredith Stewart-Tweedie, Committee Chairperson |
| 1. HCCD Expedited Data Request Protocol    1. Eligibility for expedited review       1. Type of Requestor       2. Type of Data       3. Format of Data    2. Process for expedited reviews    3. **Action Item:** Vote to adopt/amend Expedited Data Request Protocol | 60 mins | Dave Channin, DHIN Chief Health Information Officer  Tanya Bernstein, APCD Consultant, Freedman HealthCare |
| 1. HCCD Interagency Agreement    1. Review current draft | 20 mins | Scott Perkins, DHIN Legal  Counsel |
| 4. Adjourn | 5 mins | Meredith Stewart-Tweedie,  Committee Chairperson |

1. **Call to Order and Welcome**

Quorum was achieved. See list of attendees at end of Minutes. Meeting was called to order by Jan Lee at 3:02pm. Jan spoke in place of Meredith who was sick.

Minutes of November 2018 Committee meeting were approved after Motion to approve had no objections nor abstentions.

1. **Process for Expedited review**

Materials had been provided to committee members with information about expectations of the regulation and expedited review. The materials are included as an appendix in these Minutes.

* 1. Per regulation, there are four conditions requiring a full committee review.
     1. Request for Identified data set
     2. Request for limited data set
     3. Non-state agency requestors not acting on behalf of the interest of the State of Delaware
     4. Any requests for pricing information
  2. If none of these 4 conditions are present, the Committee may conduct an expedited review. The Committee reviewed and confirmed the following process:
     1. Confirmed that De-identified data means the data are void of all 18 HIPAA direct and indirect patient identifiers, as defined by CMS
     2. Confirmed that de-identified data requests also must conform to the CMS cell suppression rule – which means that every requested data field must be based on more than 10 observations.
     3. There was concern that data requests from competitor provider groups might be fully de-identified with no financial data, but provider groups may be researching work volumes to determine competition or buy out. The committee should be aware of these requestors. The Committee agreed that because Reporting Entities would have an opportunity to provide comments on all requests for data, and the Committee would be made aware of all requests for data (including any Reporter comments received), there will always be an opportunity to trigger full Committee review.
  3. Motion was made to expedite data requests that meet the following conditions:
     1. None of the 4 conditions exist for the full committee review, including that the data request conforms to CMS cell suppressions rules
     2. Committee receives an email summary of all expedited requests (and any comments received from Reporting Entities whose data is being requested)
     3. There are no concerns/comments expressed by a Committee member – which would trigger a full review.

Motion was carried with all in favor, no oppositions and no abstentions.

* 1. Committee discussed timeline and method for an expedited review.
     1. Reporting entities will have 10 business days to comment on each request received for their data. The Committee would then receive an email summary of all requests eligible for expedited review, with any comments received from reporting entities whose data is being requested.
     2. The Committee would then also have 10 business days to comment on the request and request a full committee review.
     3. Any comments or concerns raised by even a single Committee member would trigger a full committee review.

Motion was made to approve the expedited review timeline of 10 business days for Reporting Entity comment and 10 additional business days for Committee comment. All were in favor, no opposition, no abstentions.

1. **Interagency agreement. - Informational**
   1. Scott Perkins drafted agreement to include all State agencies. Secretary declined first draft. Secretary requested to have separate State Agency agreements each for
      1. DHSS
      2. OMB
      3. SEBC
   2. Scott will work with a representative from each of the three agencies for the next version of draft agreements.
   3. DHIN has an exploratory phone call scheduled in 2 weeks to assist with this process.
   4. The Committee confirmed that it is committed to providing the same protections to the data for the State Agency access as any data requestor, per the regulation.
2. **Other Discussions**
   1. Notice of privacy practice – question. Do hospital Notice of Privacy Practice materials need to be updated with the claims database activity?
      1. The Clinical data is not impacted by the claims activity and therefore hospitals would not need new NPPs for their patients.
      2. If Notice of Privacy Practice materials need updating it would be the responsibility of the payers to inform their members about the sharing of the claims data.
      3. Jan hopes that successful reviews of the claims data will assist clinical data senders (hospitals) to allow clinical data to be included in these data request/access processes.
   2. What role does CRISP play in MD for their APCD?
      1. CRISP gets claims data from the hospitals, but the payers submit to a third party managing the APCD.
      2. States cannot compel ERISA organizations to submit claims, but they can compel the hospitals to submit. Maryland has the hospitals submit their ERISA claims to CRISP.
   3. The APCD Council has version one of a Common Data Layout for claims submissions.
      1. DHIN agrees to comply to national standard
      2. DHIN’s Data Submission Guide is very close to the CDL currently due to Freedman’s consulting. Freedman has worked in 17 other states and was involved in determining the CDL.
   4. DHIN’s Pricing model for data access was brought to the DHIN Executive Committee. Did not achieve agreement on first proposal. Once agreement is achieved, DHIN will post onto their website and requestors can begin to make requests.
   5. Useable data sets were required by 10/31/2018. This was achieved. Demonstrations of additional reporting abilities have been given.
   6. Data Validation is still occurring. Some re-submissions were required.
3. The floor was opened to Public Comment:
   1. No comments
4. Motion to adjourn was made and approved, 3:52pm

***Attendance January 7, 2019:***

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| ***Committee Member*** | ***Present*** | **Conference line** | **Absent** |
| Jill Hutt | X |  |  |
| Bernadette Inskeep | X |  |  |
| Karen Kane | X |  |  |
| Jonathan Kaufmann | X |  |  |
| Stephen Lawless | X |  |  |
| Jan Lee | X |  |  |
| Kathleen Matt | X |  |  |
| Faith Rentz | X |  |  |
| James Spellman |  | X |  |
| Liz Staber |  |  | X |
| Meredith Stewart-Tweedie (Chairperson) | X |  |  |

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| ***DHIN Staff*** | ***Present*** | **Conference line** | **Absent** |
| Dave Channin | X |  |  |
| TerriLynn Palmer |  | X |  |
| Scott Perkins |  |  | X |
| Stacey Schiller | X |  |  |
| Michael Sims | X |  |  |
| Pier Straws |  | X |  |

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| ***Guests*** | ***Present*** | **Conference line** | **Absent** |
| Tanya Bernstein | X |  |  |
| Mary Jo Condon |  | X |  |

Appendix

# HCCD Expedited Data Requests – Discussion Document



Expedited Review Eligibility = Requests for de-identified data with no pricing or sensitive financial elements and not from out-of-state commercial requestors who are not Reporting Entities and whose aims won’t directly benefit DE residents

**Points for discussion**

1. What will constitute Expedited Review (when no objections are received from Reporting Entities)?
   1. Option 1: Committee gives *pre-approval for DHIN to make decisions on expedited requests*. Committee to be informed of expedited data releases at next scheduled Committee meeting.
   2. Option 2: *DHIN to provide an email summary of all expedited requests to the Committee, prior to releasing it.* Concern expressed by any Committee member would trigger Full Committee Review at the next scheduled Committee meeting. Failure to respond within some agreed upon time limit would be taken as tacit approval to release.
   3. Option 3: Other?
2. Comments Received from Reporting Entities
   1. If a Reporting Entity objects to a prospective disclosure under Expedited Review, the request will go to the Committee for Full Review.
   2. Full Committee Review will include review of all comments received from Reporting Entities
3. Other questions about data release workflow?