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**MEMORANDUM**

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**TO:** GMCB BOARD MEMBERS

**FROM:** DIAN KAHN, SARAH LINDBERG, SEBASTIAN ARDUENGO, DAVID GLAVIN

**SUBJECT:** REVISIONS TO THE DATA GOVERNANCE CHARTER

**DATE:** FEBRUARY 14, 2018

**ATTACHED:** GREEN MOUNTAIN CARE BOARD DATA GOVERNANCE AND STEWARDSHIP CHARTER, VERSION 1.4.3 (REVISED FROM VERSION 1.4)

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The following memo serves to identify first steps towards reactivating the Data Governance Council (Council) and propose initial revisions to the Data Governance Charter (Charter).

**I. Background.**

Under 18 V.S.A. §§ 9405, 9410, 9453, and 9454, the Board is charged with maintaining a health care database that includes both hospital- and insurer-reported data submitted in uniform formats and reflects all health care utilization and costs for services provided to Vermont residents. The Board is responsible for many of Vermont's data resources, including the Vermont Health Care Uniform Reporting and Evaluation System (VHCURES) and the Vermont Uniform Hospital Discharge Data Set (VHUDDS). VHCURES data may be used in a manner that does not disclose the identities of individual patients, members, or enrollees.

The Council was created by the Board in 2014 to provide oversight, advice, and direction for the administration and management of Board's health data resources. At the time, a moratorium on sharing VHCURES data with non-state entities was in place due to concerns regarding the need to update the policies and procedures Working with the consulting firm BerryDunn, the Board drafted and adopted version 1.4 of the Charter on February 3, 2015, which defined the Council's purpose, composition, roles, and responsibilities. In addition, on January 8, 2015, the Board adopted a set of data stewardship principles and policies that are referred to in the Charter.

The Council was made up of voting and non-voting members, including Board members, and staff. Meetings were noticed on the Board's calendar of events and held in accordance with the Open Meeting Law. The Council adopted a collaborative and transparent process for developing and implementing data use policies and procedures to ensure the confidentiality of protected health information.

During 2015, the Council met regularly, continuing to grant data use agreements (DUAs) for the use of VHCURES data to multiple state agencies including the University of Vermont, and state

and federal research contractors. In 2016, the Council lifted the moratorium on accepting requests for VHCURES data from non-state entities and continued to meet as needed until September 2016. The Council stopped meeting regularly following the departure of Board and Council members Allan Ramsay and Betty Rambur.

Recent developments have spurred a need to reactivate the Council and update the Charter, along with policies and procedures, and activities supporting oversight and guidance on the scope, direction, and management of the data program:

- First, in anticipation of making Medicare data (in addition to commercial and Medicaid) available to internal and external VHCURES users the Board initiated a new DUA cycle for VHCURES data in early 2017. As part of this process, data program staff have begun outreach to and orientation of Vermont state agencies on the requirements of applicable federal and state data privacy agreements, regulations, and statutes.
- In addition, the Board’s designated vendor, Onpoint Health Data, has recently developed a data enclave environment that eliminates the need to transfer record-level data to external storage devices for participating users, mitigating some data security and protection concerns.
- Finally, the Board has increased in-house capacity to support internal analytics and serve the information needs of external parties—expanding the use cases for VHCURES data and possibly supporting data program operations.

## II. Proposed Revisions to the Data Governance Charter.

To streamline Council operations, we propose several revisions to the Charter,<sup>1</sup> including substantive changes to section 5.2:

1. **Executive Director remains the Council Chair**, but the roles and responsibilities are more defined and include certain roles not addressed in the existing Charter, including:
  - Appointing voting members of the Council; and
  - Making decisions on requests for data use and disclosure with the consent of the Council.
2. **Board members would no longer be required to serve on the Council as voting members**. However, Board members may still choose to serve as voting members of the Council.
3. **Setting the minimum number of voting members at 5, including the Chair**, and including provisions for designating a quorum for voting.
4. **Permitting the Chair to recruit and appoint voting member(s) from outside the GMCB**.
5. **Eliminating non-voting members of the Council**, and instead designating Board staff “to provide technical legal, and administrative support to the Council.”

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<sup>1</sup> Version 1.4 of the Charter will remain operative until the revisions go into effect.