

GREEN MOUNTAIN CARE BOARD  
Data Governance Council  
Tuesday, April 2, 2019  
2:00 pm

**Attendance (Voting Members)**

Susan Barrett, Council Chair and Executive Director, GMCB (*via phone*)  
Tom Pelham, Board Member, GMCB  
Lauri Scharf, Manager of Informatics, Bi-State Primary Care Association  
Andrew Laing, Chief Data Officer, Agency of Digital Services  
Cathy Fulton, Executive Director, VPQHC  
Mary Kate Mohlman, Health Services Researcher, Blueprint for Health

**Others Present**

Kate O'Neill, Chief Data Steward, GMCB  
Lynn Combs, Associate General Counsel, GMCB  
David Glavin, Data & Reporting Coordinator, GMCB  
Sarah Lindberg, Health Services Researcher  
Eric Schultheis, HCA  
Jennifer Kaulius, UVMCM  
Michael Durkin, BCBSVT  
Sean Judge, VAHHS-NSO

**Call to Order, Chair's Report**

Susan called the meeting to order at approximately 2:00 pm. Susan reported Pat Jones has left the GMCB for a position at DVHA. Pat's departure creates an open seat on the DGC, which is specified as a GMCB staff seat. Susan will make a recommendation to fill this seat at the next meeting (June). Kate O'Neill shared that a letter jointly sent by the American Enterprise Institute and the Brookings Institution to the U.S. Senate committee on Health, Education, Labor, and Pensions included a recommendation to support state efforts for the development of All Payer Claims Databases (APCDs). The APCD Council is voicing collective concern about centralizing data collection, and that it might be helpful for states to reach out to their Senators about state APCD data authority. Susan said she will discuss this with GMCB Board Chair Mullin to determine a response.

**Approve December Meeting Minutes**

The Council voted by roll (6-0) to approve the minutes from February 5, 2019.

**Public Comment**

None.

**Data Stewardship Principles and Policies Revision**

Kate O'Neill provided Council members with the revised version and recommended a vote on this draft. She noted that per DGC recommendation staff will develop a tiered structure for data release accounting for the different types of data requestors and variations in intended use. As such, policies 4.1 and 4.2 might still seem like they are limited to non-profit research entities and state government agencies, because that is how we operate today. Tom Pelham shared he would like to change the data release policy language to broaden access to potential users in the private sector, who may be looking to profit but also to benefit the public at the same time. He has a sense of urgency considering All-Payer Model implementation. Lauri agreed. Andrew suggested

that the language could be worded to address intended use as commercialization can come in different forms, and he would like to see us protect and acknowledge all opportunities. With the case by case nature of the work and DUAs in place, the intentions of these policies are not undermined. Cathy suggested we specify that at this time we are not releasing data to commercial entities, and in the future, this will be reevaluated. Susan agreed that we don't want to close the door on commercial applicants but need mechanisms in place to evaluate all types of entities, and we'd like to first explore a fee structure. Lynn offered that intended use language would potentially provide us with better information on different types of requests. Lauri suggested that a scoring system available on the GMCB website could help prospective applicants better understand our review process. Cathy suggested including a focused review to the intended use language. Mary Kate asked if the trade secret clause under policy 4.1 also includes copyright. Lynn offered amended language to address that concern. Amended language for both policy 4.1 and 4.2 was proposed as follows:

(under policy 4.1) *"...that does not violate federal antitrust, trade secret, and/or other legal protections."*

(under policy 4.2) *"...intended use, including a focused review of the potential commercial nature of the request."*

Andrew moved to approve the GMCB Data Stewardship Principles and Policies with the amended language. Mary Kate seconded. The Council voted by roll (6-0) to approve the motion.

### **Data Submission and Release Rules 8.0 Draft**

Lynn Combs presented the Data Submission Rule draft, and provided information on the Rulemaking process, along with an estimated timeline. Cathy asked if there are barriers the DGC might anticipate. Lynn responded that stakeholder and public feedback, and LCAR procedures could change some of the language. Because Rule 8.000 addresses data submission, it is likely to be more of a concern for stakeholders than the general public. However, we might anticipate privacy concern feedback from the general public on the Data Release Rule 9.000. Tom asked about the legal authority to get data on Vermont residents from out-of-state providers. Lynn responded that there is ongoing exchange with neighboring states for hospital discharge data but at this time only in-state general hospitals are required to report. For VHCURES, we have the authority to require data submission for all Vermont residents, even from out-of-state payers, under certain conditions, such as member thresholds, and with exceptions, such as self-funded employers. Tom asked how long an appeal might last. Lynn will verify this information per the Administrative Procedures Act. Susan suggested the DGC vote on both Rules together, which would potentially occur at the June 4, 2019 meeting. Other Council members agreed.

### **Public Comment**

Sean Judge from VAHHS-NSO suggested the Data Submission Rule might point to GMCB's contract directly for VUHDDS collection as the submission specifications are detailed in the contract.

### **New Business**

None.

### **Adjourn**

The Council voted by roll (6-0) to adjourn at approximately 3:30 pm.