

GREEN MOUNTAIN CARE BOARD  
GMCB Data Governance Council  
Tuesday, August 7, 2018  
2:00 pm

**Attendance (Voting Members)**

Susan Barrett, Council Chair and Executive Director, GMCB  
Pat Jones, Interim Director of Health System Finances, GMCB (*Absent*)  
Tom Pelham, Board Member, GMCB  
Lauri Scharf, Manager of Informatics, Bi-State Primary Care Association  
Matt Snodgrass, Health Services Researcher, DVHA  
Andrew Laing, Chief Data Officer, Agency of Digital Services  
Cathy Fulton, Executive Director, VPQHC

**Others Present**

Kate O'Neill, Director of Data Management Analysis & Data, GMCB  
Sarah Lindberg, Health Services Researcher, GMCB  
Sebastian Arduengo, Staff Attorney, GMCB  
David Glavin, Data & Reporting Coordinator, GMCB  
Ekua Kotoka, Healthcare Statistical Analyst, GMCB  
Eric Schultheis, Health Law & Policy Analyst, Vermont Legal Aid  
Dian Kahn  
Evan Young, MyMedicalShopper (*by phone*)  
MaryKate Mohlman, Health Services Researcher, Blueprint for Health

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

Susan called the meeting to order at approximately 2:00 pm. Update on the RTI Opioid study and DVHA application approvals.

**Approve June Meeting Minutes**

The Council voted (5-0-1) unanimously to approve the minutes from August 7, 2018. Lauri Scharf was absent for the vote.

**Review of Council's Principles and Policies (adopted 2015)**

Kate reviewed the Council's [Data Stewardship Principles and the Policies](#) which pertain to data quality, data privacy and security, financial sustainability and data release. This document was adopted by the Board in 2015 and stands as the guidepost for the Council. Susan Barrett shared that there was a robust process for implementing the current principles and policies but as a new council, there may be areas to review and update. Council members expressed interest in a potential update and Kate agreed to ensure this topic is added as an agenda item for an upcoming Council meeting. Kate reminded the Council that principles 1, 2, and 3 pertain to data release, and asked that Council members keep this in mind as it relates to review of the *MyMedicalShopper* DUA application.

### **DUA Review: MyMedicalShopper**

Kate introduced Evan on the phone from *MyMedicalShopper* (MMS). She outlined the application briefly. MMS has been using claims data from other states and would like to augment their price transparency platform to include Vermont. Kate outlined the two main research questions for which MMS applied:

- What is the median provider reimbursement for each combination of provider and procedure for which we have enough data to compute a statistically relevant estimate?
- How do facility market share and specialization compare by procedure?

Staff raised the following concerns for Council consideration:

- Users must register with personal information, and for certain tiers of access, pay fees.
- MMS may or can share or sell personal information and browsing history to “trusted third parties.”
- Users can hook their insurance plan up to their registered account and this may increase the potential for reidentification.
- There is a possibility of indirect profiling from the data through linkage with users’ insurance plans and or through browsing history.
- There is a potential issue of carrier rate exposure particularly when disclosing median pricing. Sebastian explained any commercial rate is subject to negotiation and considered a trade secret under the Vermont Public Records Act.

Council discussion:

- Is there a similar DUA in Vermont to use as reference for this application? Not currently.
- How similar our data is to other states? Claims data are similar across the states.
- Past preapplication screenings have included discussion around what is and is not approvable as it relates to statute, Rule, and GMCB Data Stewardship Principles and Policies.
- MMS is not interested in partnering with health insurance carriers since carriers are not interested in transparency.
- Recent legislation requires insurers to post pharmaceutical prices.
- There has been some push for price transparency.
- Does data release of the pricing data under this application become a violation of Public Records Act? No, not as this application is currently written.
- Evan from MMS explained that employer groups are telling their employees to use their free services. The service shows in and out of network maps, co-insurance, co-pay information and more. The products they are selling to employers also include an employer dashboard to see the group claims experience and to see how their claims stack up to expected claims for the year.
- Does the Council have a process where we determine if applicants’ security protocols meet industry standards? An applicant must attest on the DUA itself that it meets certain security standards, but that is after the application is approved by GMCB. The GMCB analytics staff agreed that it would be better to ask about security assurances the application, as a condition of approval.
- Council members would like to hear more from the applicant about their security protocols.
- There is concern about exposure to payers. Does MMS have experience with a similar situation to the state of Vermont, which has a non-competitive market? No, they do not.
- The Council wants to discuss big picture ideals that relate to applications and data release, which would make it easier to implement the application review process.

## **Potential Votes**

- DUA Application

Susan suggested the Council needs more information before voting. This application and a potential vote will be taken up at the next meeting. Andrew said he would appreciate responses from Evan. A special meeting to discuss this application will be held mid-September, at which time MMS is invited to participate and share information pertaining to Council concerns.

- Delegation

The temporary 2-month period of delegation to the Council Chair to approve DUAs was raised at this meeting. Kate reminded the Council that there are several pending applications for VHCURES data as well as for VUHDDS data. The Council and GMCB staff discussed how delegated decision-making would work procedurally. Andrew made a motion to delegate determination of DUA applications to the Council chair. Cathy seconded. The Council voted 5-0-2 in favor of delegation. Pat Jones was absent, and Susan Barrett abstained from the vote. The motion passed.

## **Review and Discussion**

- Draft Rules 6.000 & 7.000

Sebastian presented to the Council draft Data Submission and Release Rules and the potential schedule for the Rule-making process. Kate referenced the other documents provided to the Council as supporting materials: DUA process flow charts and draft data release and disclosure procedures guide.

- Draft *Data Use and Disclosure Procedures Guide*

Cathy asked if there is there a technical users group. Kate affirmed that there is an active data users group, but at this time includes only State agency VHCURES data users. This could expand in the future.

## **Public Comment**

Eric shared that he'd like to see a data users group expand to include future and potential data users as well.

## **New Business**

None

## **Adjourn**

The Council voted (6-0) to adjourn at approximately 3:35 pm.