

DATA GOVERNANCE COUNCIL (DGC)
Meeting Minutes
March 8, 2016
GMCB 2nd Floor Board Room
2:00 PM

Present (Voting Members)

Susan Barrett, Executive Director
Mike Davis, Director of Health Systems Finances
Ena Backus, Deputy Executive Director
Allan Ramsay, Board Member
Betty Rambur, Board Member

Present (Non-Voting Members)

Zach Sullivan, Health Policy Analyst
Roger Tubby, Director of Data & Analytics

Others Present

Patrick Quinn, Onpoint
Katherine Lydon, Onpoint
Jim Harrison, Onpoint
Steve Kappel, Policy Integrity
Kaili Kuiper, VLA/HCA
Liz Winterbauer, VPQ
Casey Cleary, DII
Sean Judge, VAHHS-NSO
Barbara Carroll, VDH
Peggy Brozicevic, VDH
Annie Paumgarten, Evaluation Director
Laura Doe, Administrative Support

1) Call to Order, Agenda Amendment and Approval of Minutes

Susan Barrett (DGC Chair) called the meeting to order at 2:02 pm. The Council approved an amendment to remove item number six from the agenda and the minutes from February 9, 2016.

Amendment to Agenda

| Member | Motion | Second | Vote |
|---------------|---------------|---------------|----------------------|
| Susan Barrett | | | Y |
| Allan Ramsay | | X | Y |
| Mike Davis | | | Y |
| Ena Backus | | | Not present for vote |
| Betty Rambur | X | | Y |

February 9, 2016 Minutes

| Member | Motion | Second | Vote |
|---------------|--------|--------|----------------------|
| Susan Barrett | | | Y |
| Allan Ramsay | X | | Y |
| Mike Davis | | X | Y |
| Ena Backus | | | Not present for vote |
| Betty Rambur | | | Abstained |

2) Chair's Report

Susan Barrett commented on Supreme Court decision which was a 6-2 vote not in favor of Gobeille in the Gobeille vs. Liberty Mutual case. Allan Ramsay (DGC Council Member) briefly mentioned the website entitled The Incidental Economist which had some very strong responses to the Supreme Court's decision. He stated that the comments were very thoughtful and encouraged people to read them.

A) Public Comment

Jim Harrison (Onpoint) commented on the Green Mountain Care Board's proactive communication and Aetna's decision to withhold ERISA plan data.

Kaili Kuiper (VLA/HCA) commented that the ERISA Advisory Council is taking public comment on issues to be reviewed for the 2016-2017 year. However, the comment period extension ends tomorrow.

Susan Barrett gave an update of the review of the state HIT plan and stated the Green Mountain Care Board (GMCB) will receive a presentation from the Administration on the HIT plan scheduled for March 17, 2016. The DGC Council and its stakeholders will take part in the review and approval process by providing feedback to the GMCB. The HIT plan will be on the GMCB website. Susan Barrett encouraged people to review and comment on the HIT plan.

3) Data Release Application and Data Use Agreement Update

Roger Tubby (Director of Data & Analytics, VHCURES data team) stated that the data team is working on rewording the data use agreement and that it is close to completion. Once a final review has been done by the data team it will then be sent to DGC Council for final review.

4) Public Use File Discussion

Zach Sullivan (Health Policy Analyst, VHCURES data team) stated that the data team has been modeling the public use file after the HIPAA privacy rule and advised legal counsel. It is important to make sure that whatever data released on the public use file is going to be safe and protect people. HIPAA identifies two standards:

- 1) Safe Harbor – which lists a number of elements that cannot be released. This may or may not be helpful. It is fairly easy to do as long as one complies, but there may be some useful analytic elements that cannot be released.

- 2) Expert Determination – which means finding an expert to certify that released data has a minimal risk of identifying an individual. This gives more flexibility to customize a file in how it's used. However, there is not a clear definition what "very small risk" means and deciding what data is used for the public use file will not be easy.

The VHCURES data team suggested comparing data sets that are not in safe harbor format to safe harbor results to assess the risk factor. Another suggestion came from Steve Kappel (Policy Integrity) which would involve cutting the data into separate sub samples that concentrate on specific areas of information. A possible third option would be to give permission to the public to have analysis done on safe harbor data, but control its release.

The public use file subject raised many concerns and questions by the DGC Council. There was concern for who was responsible for the public's perception of the data. There could be many different results from the same data file. There is no way of knowing what happens to the public data file. Some Council members felt more comfortable with reviewing and controlling the data, rather than releasing a public data file involving less work. A question was raised whether it would be beneficial to create data reports based on what requestors are asking for. The VHCURES data team pointed out that it would lessen the liability factor by releasing a public use file rather than issuing a report where the information has already been gathered. This would give more freedom to the requestor to decide what information is important. The expert determination option raised concern for some of the Council members since it would be dealing with relative risk and very few expert entities. The safe harbor option would not only allow for a HIPAA compliant data file, but would allow requestors to request further data related to the public use file by signing a DUA. It was stated that part of the VHCURES obligation was to have information available and a public use file would be a good means to allow public access to data. The VHCURES data team recommended the third option to the Council which would stay within the safe harbor regulations and allow the tracking capability of where the data has been sent to. The Council asked if the VT Department of Health (VDH) could comment since they have dealt with public use files. The VT Department of Health stated that most of their public use files are downloadable online and they do not know who is getting the data. They released two versions of the public use file and people have to apply and specify which file they are requesting. They ran into issues with requestors saying they made an error and that they need to request the other file which could lead to someone having two different copies of the data. It is important to take caution with different types of public use files. NH is the only other state that is using a true public use file. Onpoint, who assisted NH with their public use file design, stated that NH is able to see how often the file is being used and by whom. Council members require further deliberation before making a decision and request a formal recommendation from the VHCURES data team.

A) Public Comment

Steve Kappel expressed his opinion that the certified vendor table only model is best for the public use file. He suggested that the work product goes to the DGC Council for review because two of the same entities may request the same data and not know it. This would help avoid overall confusion.

5) New VHCURES Extract

Roger Tubby stated Onpoint gave a presentation of the new extract CDM2. The timeframe for the next extract has been delayed from March 15, 2016 to April 15, 2016 because Onpoint has decided to include data going back to January 1, 2007. It made sense to go back to the starting point rather than just the previous 5 years since it is a very arduous process. After the April 2016 delivery, the full version will be available.

6) Data Warehouse RFP Update – Removed from agenda

7) Public Comment

No public comment.

The Council moved to adjourn this meeting.

| Member | Motion | Second | Vote |
|---------------|---------------|---------------|-------------|
| Susan Barrett | | | Y |
| Allan Ramsay | | X | Y |
| Mike Davis | | | Y |
| Ena Backus | | | Y |
| Betty Rambur | X | | Y |

8) Adjourn

Meeting adjourned at 3:20 pm.

*The next DGC meeting is scheduled for April 12, 2016.