

DATA GOVERNANCE COUNCIL (DGC)

Meeting Minutes

April 12, 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)

Roger Tubby, Director of Data & Analytics

Brian Martin, Associate General Counsel

Others Present

Steve Kappel, Policy Integrity

Kaili Kuiper, VLA/HCA

Liz Winterbauer, VPQ

Sean Judge, VAHHS-NSO

Tom Crompton, Program Management Specialist

Alissa Correll, UVM Medical Student

Laura Doe, Administrative Support

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

Susan Barrett (DGC Chair) called the meeting to order at 2:04pm.

March 8, 2016 Minutes

Member	Motion	Second	Vote
Susan Barrett			y
Allan Ramsay			y
Mike Davis		x	y
Ena Backus			Not present for vote
Betty Rambur	x		y

2) Chair's Report

The next DGC meeting will have a presentation by UVM on the implementation and management of the VHCURES/UVM DUA.

3) Update on SCOTUS Gobeille v. Liberty Mutual

The VHCURES staff gave a brief overview of the *Gobeille v. Liberty Mutual* decision and explained how the outcome affected the Green Mountain Care Board's work.

Affected work includes:

- A) The VHCURES team is currently reviewing feedback from some of the Third Party Administrators (TPAs) who are examining whether to provide requested data. Some TPAs are removing the data from self-funded ERISA plans from the data that is submitted to the GMCB. This is causing technical delays. Last month, a letter was sent out to all TPAs urging them to continue providing claims data and to keep the VHCURES work progression going.
- B) The Annual Statement Supplemental Report (ASSR), which is a data collection project done by the state of VT, is a main part of the GMCB's Expenditure Analysis and Billback. The GMCB may now need to find other means of getting this data for both projects.
- C) The GMCB administers the registration of all active TPAs in VT. About 46 states require TPAs to obtain a registration or license and VT is one of them. Some of the registered TPAs in VT have interpreted the outcome of *Gobeille v. Liberty Mutual* to mean that they no longer need to register. Per the advice of legal counsel, the VHCURES team is informing TPAs to continue to register because TPA registration is a different kind of program than the APCD.

The VHCURES team is reviewing the VHCURES Rule – a rule for data governance and oversight. It has gone through several revisions and will be revised again in consideration of the *Gobeille v. Liberty Mutual* outcome. The Council had questions regarding costs for TPAs, how many of them are questioning their registration, and the impact on the expenditure analysis since the GMCB may no longer have access to the customary data. The VHCURES team stated that a small number of TPAs have indicated they will curtail their submissions, but that it is possible that some TPAs may be directly informing Onpoint. The VHCURES team also explained that using outside vendors may yield the same data needed for the ASSR and Billback functions.

4) Data Release Application and Data Use Agreement Update

The VHCURES team has finalized the Data Release application. It will be posted online as well as the revised Data Use Agreement (DUA.) Affidavits will be required for DUAs going forward. There will be data release procedure information on the website which will include the data release application, data use agreement, affidavits, a list of current DUAs, and a list of applicants requesting limited data sets. After posting the applications to the website, the GMCB will invite public comments for a 10-day period. All of the applicants that applied during the Moratorium (which was lifted earlier this year) will be notified that they need to resubmit their application.

5) New Data Release Applications

A few of the applications received were for the Vermont Uniform Hospital Discharge Data Set (VUHDDS.) The VHCURES team is working to have the same application process apply to both the VUHDDS and VHCURES data requests. The Council reaffirmed that there would be transparency with all the online VHCURES data information and questioned whether denied applications would be posted as well. Denied applications would most likely not be visible to the public. There was some discussion of whether transparency in pending or rejected applications would be a good useful. The Council also inquired if there were specific classes of applicants and what priority level these applications would be handled. The VHCURES team would process

applications as they come in with consideration that some applications may take longer to process depending on the type of information that is being requested. Any application that could not be resolved on the VHCURES team level would be presented to the Council for direction. It was suggested to have the VHCURES team put together a monthly standing report to inform the Council of recent activity.

The Council inquired on the Public Use File. The DGC Chair explained that it is still being worked on and the GMCB Cycle IV Rate Review Grant may contribute to the work needed for the Public Use File.

6) 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

7) Adjourn

Meeting adjourned at 2:28pm

*The next DGC meeting is scheduled for **Wednesday May 11, 2016.**