



COLORADO

Department of Health Care
Policy & Financing

DRAFT MINUTES OF THE RULE HEARING OF THE EXECUTIVE DIRECTOR OF HEALTH CARE POLICY and FINANCING

The Capitol Center
303 East 17th Avenue, 7th Floor Conference Room

June 29, 2015

Improve health care access and outcomes for the people we serve while demonstrating sound stewardship of financial resources. (Style Mission)

1. Call to Order

Executive Director Birch called the meeting to order at 2:00 p.m.

A. Staff Present

Susan E. Birch, Executive Director; Peg Brown, Deputy Commissioner of the Division of Insurance; Jennifer Weaver, First Assistant Attorney General; Judi Carey, Rules Coordinator; and Dan Hutchinson, Staff Support

2. Announcements

Director Birch stated that she was reconvening from the April 29th meeting to further consider revisions to All Payer Claims Database (APCD) rule.

Director Birch announced it is the policy of the Department to remind everyone in attendance that this facility is private property. The capacity of the meeting room is 80. Please do not block the doors or stand around the edges of the room. Please turn cell phones off while in the meeting room as they interfere with the recording equipment.

3. Introduction of Rules

1) Document 01 ED 15-02-11-A

Revision to the Executive Director of Health Care Policy and Financing Rule Concerning the All-Payer Claims Database, 10 CCR 2505-5, Sections 1.200.1, 1.200.2 1.200.3 (Chris Underwood, Health Information Office, and Tracey Campbell, Center for Value in Health Care)

Our mission is to improve health care access and outcomes for the people we serve while demonstrating sound stewardship of financial resources.

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Director Birch stated that ED 15-02-11-A Revision to the Executive Director of Health Care Policy and Financing Rule Concerning the All-Payer Claims Database, 10 CCR 2505-5, Sections 1.200.1, 1.200.2 1.200.3 was up for consideration at this meeting and invited the presenters to the table.

Chris Underwood, Health Information Office, and Tracey Campbell, CIVHC presented the rule and explained that revisions were made to the rule that included: the addition of an opt out clause for self-funded plans; and that no penalties would be applied to self-insured employer-sponsored health plans for years 2015 and 2016.

Executive Director Discussion

Executive Director discussion and questions included: that staff at CIVHC completed extensive outreach to over 320 organizations; that revisions were made to the opt out provision based on stakeholder feedback; that stakeholder concerns included the specifics of the opt out provision and potential fines that might be levied; that stakeholder concerns for moving forward included potential costs and security and privacy; that CIVHC does not charge for the submission of data and that CIVHC follows the most rigorous privacy and security guidelines; that the stakeholder process was very robust and mostly successful; that ongoing communication and monitoring will follow an outreach plan developed by CIVHC; that a request was made for the Attorney General's Office to work with other state agencies to develop a better reporting mechanism; that the US Supreme Court decided to hear the Vermont case; and that this will take some time so the rule is acceptable at this time.

Public Testimony

Diane Bricker, America's Health Insurance Plans

Virginia Morrison Love, America's Health Insurance Plans

Sara Orange, Colorado Association of Health Plans

Donna Marshall, Colorado Business Group on Health

Advanced Emissions Solutions - Written

"All Payer Claims Databases Council; National Association of Health Data Organizations; and University of New Hampshire, Institute for Health Policy and Practice" - Written

BC3 - Written

Boulder Valley School District - Written

CAPG - Written

CLUB 20 - Written

Colorado Consumer Health Initiative - Written

Chronic Care Collaborative - Written

Colorado HealthOP - Written

Colorado Ambulatory Surgery Center Association - Written

Colorado Association for School-Based Health Care - Written

Colorado Business Group on Health - Written

Colorado Coalition for the Medically Underserved - Written

Colorado Health Institute - Written

Colorado Hospital Association - Written

Colorado Medical Society - Written

Colorado Springs Regional Business Alliance - Written

CORHIO - Written

CU School of Pharmacy and Pharmaceutical Sciences - Written

Department of Regulatory Agencies, Division of Insurance - Written

Elward Systems Corp - Written

Greater Detroit Area Health Council - Written

Health TeamWorks - Written

Lowdermilk & Associates, Inc. - Written

Maine Health Management Coalition - Written

MS Society, CO WY Chapter - Written

Network for Regional Healthcare Improvement (NRHI) - Written

Pacific Business Group on Health - Written

Pinnacol Assurance - Written

PrimeHealth - Written

Quality Health Network - Written

Senator John Kefalas - Written

St. Vrain Valley School District - Written

Telligen - Written

The Colorado Health Foundation - Written

The Health Collaborative - Written

WellDyne - Written

Willis of Colorado - Written

Wisconsin Collaborative for Healthcare Quality - Written

Wisconsin Health Information Organization - Written

Young Americans - Written

Public testimony included: that stakeholders appreciate the level of outreach completed by CIVHC and the changes made to the rule; that the request for the opt out to be permanent still stands; that some language in the definitions is still confusing; that it is important for CIVHC to continue its outreach efforts to ensure that all organizations are informed; that the burden to opt out is on the employer; that employers should not have to proactively opt out until the court case is settled; and that there is one minor issue with the Data Submission Guide.

Executive Director Discussion

Director Birch announced that she would adopt the rule as written with the changes that were submitted; she would not recommend, at this time, an indefinite opt out; that there is a two year window to revisit this provision; and that CIVHC should push forward to work with all stakeholders;

4. The meeting was adjourned at 2:40 p.m.

Reasonable accommodations will be provided upon request for persons with disabilities. Please notify the Rules Administrator at 303- 866-4416 or judith.carey@state.co.us or

the 504/ADA Coordinator hcpf504ada@state.co.us at least one week prior to the meeting.