



# HB 10-1332 Colorado Medical Clean Claims Transparency and Uniformity Act Task Force

## Meeting Agenda

<b>Meeting Date:</b>	May 28, 2014; noon – 2 PM MDT
<b>Call-In Number:</b>	1-866-740-1260; ID 8586318#
<b>Web Link:</b>	<a href="https://cc.readytalk.com/r/76b3c5nnpe3o&amp;eom">https://cc.readytalk.com/r/76b3c5nnpe3o&amp;eom</a>

### 12:00 PM WELCOMING REMARKS & ROLL CALL

#### I. Housekeeping Items:

- a. Approve April 2014 meeting minutes (Attachment A)
- b. Reminder about changes to meeting schedule:
  - o Task Force on-site meeting June 24 & 25 in Denver

### 12:10 PM COMMITTEE REPORTS & OTHER DISCUSSION ITEMS:

#### II. Edit Committee– Beth Wright/Wendi Healy

#### III. Rules Committee – Nancy Steinke/Beth Kujawski

#### IV. Specialty Society – Alice Bynum-Gardner

#### V. Legislative Update – Barry Keene, Legislative Liaison

- a. Senate Bill 14-159 update
- b. Ongoing discussions with HHS
- c. Congressional letter of support (Attachment B)

#### VI. Data Sustaining Repository – Mark Painter/Barry Keene

- a. **Governance document (Attachment C) – Consensus Item**
- b. Workflow diagram (Attachment D)

#### VII. Vendor Committee – Mark Painter

- a. Data analytics vendor update
- b. Update from in-person meeting

#### VIII. Project Management – Vatsala Pathy

- a. Task Force work plan (Attachment to be sent prior to call)

#### IX. Finance – Barry Keene/Vatsala Pathy

- a. TCHF
- b. State funding

#### X. Other Business

### 1:55 PM PUBLIC COMMENT

### 2:00 PM ADJOURNMENT

## UPCOMING TASK FORCE MEETINGS

DATE(S)	TIME (MDT)	MEETING TYPE
June 24 & 25, 2014	<b>Tue:</b> 12:00 p.m. – 6:00 p.m. <b>Wed:</b> 7:30 a.m. – 2:00 p.m.	In-Person Meeting
July 23, 2014	<b>Wed:</b> 12:00 p.m. – 2:00 p.m.	Monthly Conference Call
August 26 & 27, 2014	<b>Tue:</b> 12:00 p.m. – 6:00 p.m. <b>Wed:</b> 7:30 a.m. – 2:00 p.m.	In-Person Meeting

## DRAFT

**HB10\_1332 MEDICAL CLEAN CLAIMS TRANSPARENCY AND UNIFORMITY ACT TASK FORCE**

Meeting Minutes

April 23, 2014, 12:00–2:00 PM, MDT

Call-in Number: 1-866-740-1260

Conference ID: ID 8586318#

**Attendees:**

- Alice Bynum-Gardner
- Amy Hodges
- Barry Keene
- Beth Kujawski
- Beth Provost
- Beth Wright
- Christine Yoder
- Dee Cole
- Doug Moeller, MD
- James Borgstede, MD
- Kim Davis
- Marianne Finke
- Marilyn Rissmiller, CC
- Mark Painter, CC
- Nancy Steinke
- Ruth Backlund
- Ryshell Schrader
- Terrence Cunningham
- Tom Darr, MD

**Staff :**

- Connor Holzkamp
- Vatsala Pathy

**Public:**

- Diane Hayek (ACR)
- Stephanie Stinchcomb (AUA)
- Susan Crews (AUA)
- Mike Donofrio (GMCB)

**Meeting Objective (s):**

See Agenda

**Key:**

- TF = Task Force
- TFM = Task Force Member
- CC = Co-Chair

**April 23, 2014****WELCOMING REMARKS & ROLL CALL:****Housekeeping Items:**

- Minutes from March Task Force meeting were accepted with no changes.
- The group was reminded about several changes to the MCCTF meeting schedule:
  - June 25 Task Force conference call is **now an in-person meeting on June 24-25 in Denver**
  - “Vendor Committee” **scheduled to have in-person meeting in Denver on May 13-14.**

**EDIT COMMITTEE—Beth Wright and Wendi Healy**

- The Edit Committee reported that it had not met in March or April and will likely not meet again until after the Task Force receives edits from suppliers.

**PAYMENT RULES COMMITTEE—Nancy Steinke**

- The Rule Committee also reported that it had not met in March or April and will likely not meet again until after the Task Force receives edits from suppliers.

**SPECIALTY SOCIETY OUTREACH COMMITTEE—Alice Bynum-Gardner**

- Alice reported that the AMA has been working to distribute a letter to the specialty societies, informing the Federation of the upcoming edit development phase and requesting their full engagement during the public review process.

- The letter includes an invite to the Task Force in-person meeting at the Colorado Medical Society in June.
- The Specialty Society continues its charge to act as the “liaison between the task force and the AMA’s Federation of Medicine, which includes 122 national specialty societies and 50 state medical societies in order to assess if public code edit and payment policy libraries meet the needs of national medical societies and state medical associations by reaching out and obtaining feedback from these groups.”

### **CONTINUING ENABLING LEGISLATION – Barry Keene, Legislative Liaison**

- Barry reported that SB14-159 passed through the Senate HHS Committee in a 5-2 vote and will be reviewed by the Senate Appropriations Committee on 4/23/14. He will update the Task Force by email as more information becomes available.
- Barry provided the Task Force with a Congressional letter that had been received in support of the Task Force’s proposal to HHS. The letter was signed by a bipartisan group of four representatives: Mike Coffman, Diana DeGette, Jared Polis and Ed Perlmutter.
- Barry also reported that the Task Force has been in contact with Mike Donofrio, General Counsel for the Green Mountain Care Board in Vermont regarding a similar initiative in VT.

### **DATA SUSTAINING REPOSITORY COMMITTEE – Mark Painter and Barry Keene**

- Mark reported that the “Vendor Committee” had met with Bishop Enterprises to define the edit columns within each edit-type, a document that has been referred to by the committee as the “Data Dictionary.”
- The Vendor Committee will continue to work with Bishop over the next couple of weeks to look at some of the data tables and start defining/building the query reports.
- The “Vendor Committee” will be holding an in-person meeting in Denver on May 13-14; Dave and Patsy Bishop are both expected to attend.
- The DSR Committee has been working to lay out recommendations regarding the “business model” (i.e. “governance proposal”) that will sustain the work of the TF. The committee presented this updated governance proposal to the task force for discussion.
- The Task Force reviewed this document which focuses on the processes for:
  - Rule Development
    - ✓ Describes in detail the process that was used by the Task Force to create the rules.
  - Development of Edit Set
    - ✓ Attempts to lay out the process to develop the edit sets: 1) Call to general public for submission of edits; 2) Population of proposed edit data set; 3) MCCTF analysis of accepted edit sets; 4) Final notice of edit set proposed online; 5) Evaluation of Comments; and 6) Final edit set is published and posted online
  - New Rules and Updates to Edit Sets
    - ✓ Proposes that a similar process to the edit/rule development be used to handle new rules and update edit sets.
  - Dispute Resolution Processes
    - ✓ Recommends a three level process: 1) MCCTF Resolution; 2) Challenge submitted; 3) Upon resolution of edit by MCCTF, decision of MCCTF can be challenged through mediated resolution.
  - Ongoing
    - ✓ As the MCCTF is scheduled to be dissolved at the end of 2014 a new, permanent entity will need to be created to assume the role of the task force. It is recommended that a similar group be created, and all meetings should be open to the interested public. Further, it is recommended that any sub-committee created have balanced representation to maintain the spirit of cooperation and integrity the MCCTF has been able to create. It is recommended that members of the group be technically qualified to analyze the issues presented to the group and that the membership be approved by the state. Further it is recommended that the body be made up of volunteers with compensation only for travel and expenses for required meetings of the group.

**Action Items:** The committee will continue to flesh out the document and bring back “Section 1” to the task force in May for consensus vote; The Task Force to send any additional comments to the DSR Committee before the May meeting.

### **PROJECT MANAGEMENT AND FINANCE COMMITTEE – Barry Keene and Vatsala Pathy**

- The Task Force was presented with a customized view of the work plan that highlights the work of the Task Force through next quarter.

- The Task Force is still looking for funding for the remainder of 2014 and will continue to turn to stakeholders at the table for contributions.

**PUBLIC COMMENT:**

- Mr. Donofrio was present at the meeting and provided the Task Force with a brief legislative update on the clean claims initiative in Vermont. The Task Force appreciates Vermont's interest in the work of the MCCTF and looks forward to engaging with this initiative.

**The meeting was adjourned at approximately 1:55 PM MDT.**

DRAFT

United States Senate  
WASHINGTON, DC 20510

May 12, 2014

Secretary Sebelius  
U.S. Department of Health and Human Services  
200 Independence Avenue, S.W.  
Washington, D.C. 20201

Dear Secretary Sebelius,

As you continue to implement provisions of the Affordable Care Act (ACA) to ensure access to quality health care for millions of Americans, we would like to draw your attention to a promising effort in Colorado, known as the Clean Claims Task Force. The Task Force's work to streamline health care billing processes will not only result in significant cost savings for our state, but could potentially be used as a model nationwide. We urge HHS to review the Task Force's work and consider designating it a national pilot program.

As you know, the billing, coding, and payment system that physicians must use for reimbursement is incredibly complex, and it's made further complicated by billing adjustments used by health plans called claim edits. During Senate debate on the ACA, we worked with a group of freshman senators to include an amendment in the law – Section 10109 – that seeks to address this unnecessary complexity. This section focused on delivery system reforms to improve our nation's health outcomes and lower health care costs in the long run, specifically calling for the evaluation of options for improving standardization and uniformity in processing health insurance claims. We believe uniformity in the claims edit process will not only save money, but also strengthen our nation's health care system.

Colorado has been a leader when it comes to reducing health care costs and eliminating unnecessary spending. After the passage of the ACA, the Colorado Clean Claims Task Force was created to establish uniform claim edits to be adopted by all private payers that have contracts with providers in Colorado. The Task Force is composed of approximately 25 experts, including national representatives from various health plans, software vendors and providers. They are now 40 months into their four-year project and are approaching the completion of a uniform claim edit library. There is significant potential financial savings associated with the work of the Clean Claims Task Force – it is estimated that its implementation could save Coloradans approximately \$80 million.

If this administrative simplification effort was deployed nationwide, it could save billions of dollars for our country. In 2011, the Health Billing Management Association (HBMA) testified to Congress that "61% of all denied claims are associated with idiosyncratic payer edits." Their testimony pointed out that "when written appeals disputing these denials were sent, appeals were successful in 86% of the cases." According to the HBMA, this applied to approximately two million claims in less than a year. When taken in the context that the administrative costs to contest a claim is \$100-\$250, the scope of the problem is a multi-billion dollar loss nationally.

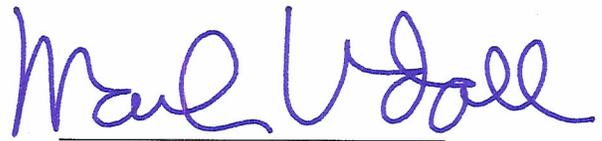
As you work to fully implement Section 10109 of the ACA and streamline administrative costs, we urge you to consider designating the Colorado Clean Claims Task Force as a national pilot program. We are including a recent letter from the Colorado Task Force to Mr. Jeff Hinson, Regional Administrator of the Centers for Medicare & Medicaid Services in Denver, Colorado. The letter provides more detail on the background and work of the Task Force.

We look forward to discussing this matter further and appreciate your consideration of our request.

Sincerely,



Michael F. Bennet  
United States Senator



Mark Udall  
United States Senator

**Colorado Medical Clean Claims Governance & Dispute Resolution Process**

**Section I:**

**I. Background & Context:**

During the 2010 legislative session Colorado’s lawmakers passed, by a wide bipartisan margin, HB10-1332 which instructed that a Task Force of a broad based set of stakeholders be formed to develop a uniform set of claim edits that would subsequently be adopted by all payers having contracts with providers in Colorado.

To this end a group of approximately 25 experts including national representatives from many health plans, vendors of software and providers came together voluntarily to deliberate. This group is now approximately 38 months into a 4 year project. This fully transparent process has solicited input from all stake holders, works by consensus and continues to add members.

There are currently four committees that are undertaking the work of the taskforce on behalf of the full MCCTF. All of these committees “touch” the process described below at various points. They are tasked with the following:

1. Edit Committee: To examine the edits and associated rules, concepts and methodologies contained in national sources and national source guidelines; assessing their applicability to private health plan claims processing; and making recommendations to the task force on the claims edits to be included in the standardized set.
2. Rules Committee: To develop and make recommendations to the task force concerning coding scenarios that is unique and eligible for differentiated payment.
3. External Engagement Committee: To liaison between the task force and the AMA’s Federation of Medicine, which includes 122 national specialty societies and 50 state medical societies in order to assess if public ode edit and payment policy libraries meet the needs of national medical societies and state medical associations by reaching out and obtaining feedback from these groups.
4. Data Sustaining Repository Committee: To recommend to the task force how the standardized set will be maintained, updated and sustained.

As technology and the nomenclature required under HIPAA for health care transactions evolves the edits sets created will need to be maintained. Additional rules may be desired with changes in the system and medical technology. The description below describes the process for and oversight of edits and rules in the near term -- while the MCCTF is still providing the oversight for the process. The following description of the processes used by the task force is intended as a template for the continued development and maintenance of this Rule set designed to simplify the payment of medical claims as directed by section 10109 of the Affordable Care Act. However, it is anticipated that a separate final document recommending long term development and dispute resolution will be produced and provided to the Colorado Legislature.

The MCCTF emphatically believes that a permanent entity similar to the existing task force representing all parties affected by the rule set function as the core decision-making body should be created with respect both rules and edits. This recommendation reflects that belief.

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45 **II. Definition of terms/glossary:**

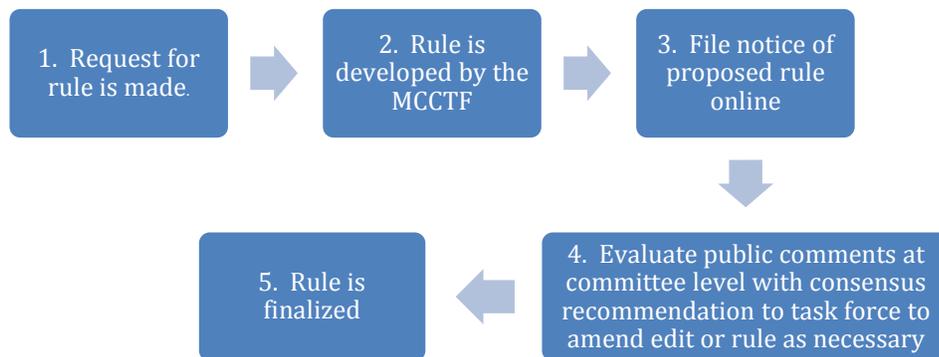
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46 Please see attached Glossary of terms

47 **III. Development of Rules:**

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48 The MCCTF has created rules sets based on the Act to be applied to claims submitted in the state of  
49 Colorado. The rules have been initially developed with input from the members of the task force.  
50 Rules have been released for public comment in four separate bundles. Public comment has been  
51 received and responded to under the following format and guidance. It is recommended that a  
52 similar format be used to address new rule requests.  
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56 **1. Rule is requested:**

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A. Rules may be requested by affected parties.

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B. Rules must be requested 120 days prior to the end of a quarter for potential inclusion in the following Quarter update request for edit tables. New rules developed through this process will then be required to follow the Edit Development Guideline that follows.

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**2. Proposed rule is developed and/or reviewed by the MCCTF:**

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A. Requests for a rule will be vetted by the MCCTF Rules Committee and either determined to be actionable or rejected for inclusion in the rule set based on the following:

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i. The rule is within the scope of the legislation

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ii. The rule can be defined and sources are available to develop effective edits in accordance with the acceptable data sets.

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iii. The rule is not in conflict with or covered by existing rules.

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B. If the request for the rule is determined to actionable by the MCCTF, the MCCTF will develop the rule through attempted consensus among the members in accordance with the rules template. In lieu of consensus a simple majority vote of the members will serve as adequate for publication of the final rule.

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C. No requested rule by a stakeholder may be arbitrarily rejected without due consideration if it is deemed within the scope of the Act.

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**3. File notice of the proposed rule online:**

- 77           A. The notice will be posted on the MCCTF website and electronic notification will be sent to  
78           the interested parties alerting them.
- 79           B. Initially identify “interested” parties by utilizing the communication networks of the  
80           Colorado Association of Health Plans, Colorado Medical Society, American Medical  
81           Association, and vendor organizations. Additionally notification will be sent to Health &  
82           Human Services, the Colorado Division of Insurance, Colorado Division of Workers  
83           Compensation, and Colorado Health Care Policy and Finance. Need to have an official  
84           method of notifying Payers Division of Insurance, Insurance commissioner ( we have the  
85           big players on the committee but ..) in the list.
- 86           C. A sign up place will be added to the MCCTF website for interested parties to  
87           request/receive direct notification of future proposed rules.
- 88           i. Notification should include enough information for the public to understand the  
89           proposed rule, its potential impact, and the decision making process the MCCTF  
90           used to arrive at the recommendation:
- 91           a. Edit/payment rule name and definition;  
92           b. Associated modifiers;  
93           c. Rule logic description (including a payment rule hierarchy where there are  
94           multiple sources as well as date tracking);  
95           d. Rationale for the rule;  
96           e. Administrative guidelines for handling special billing situations;  
97           f. Specialty Society comments as available;  
98           g. Initial Edit set; and,  
99           h. A summary of the Task Force workgroup recommendation/decision.
- 100          ii. Provide information on how to submit comments and by when:
- 101          a. Take comments only by electronic submission to the MCCTF e-mail address,  
102          provide an automatic acknowledgement receipt with an indication of the  
103          next steps/timeframe.  
104          b. Identify what format the comments should be in and the type of  
105          rationale/information necessary for a complete evaluation.  
106          c. Commenter should provide a contact person in case more information is  
107          needed. *For the initial review process a 30-day comment period is deemed*  
108          *sufficient; a second review opportunity for input occurs before the final*  
109          *implementation date.*
- 110        **4. Evaluation of comments:**
- 111           A. *Initial process review by Staff, which will include a quick review of the comment for*  
112           *required format and supporting information within 7 days of receipt.*
- 113           B. Committee co-chairs evaluate public comment cleared by staff and send to committee  
114           members for review within 14 days. *Committee members will be notified and asked to*  
115           *review and post their comments within 14 days.*
- 116           C. Committee co-chairs present member input and present to their own committee  
117           members for consensus recommendation to the whole Task Force.
- 118           D. The MCCTF co-chairs will do an initial evaluation of the comments; they will include their  
119           evaluations as part of a regularly scheduled committee meeting. *To facilitate the process,*  
120           *the comments will be posted to the Task Force members’ site for review.*

121 E. Task Force reaches consensus on committee recommendations regarding comments,  
122 including rationale for decision. *The Task Force will complete its review of all comments*  
123 *with consensus recommendations by 60 days after the close of the comment period.*

124 **5. Rule is finalized:**

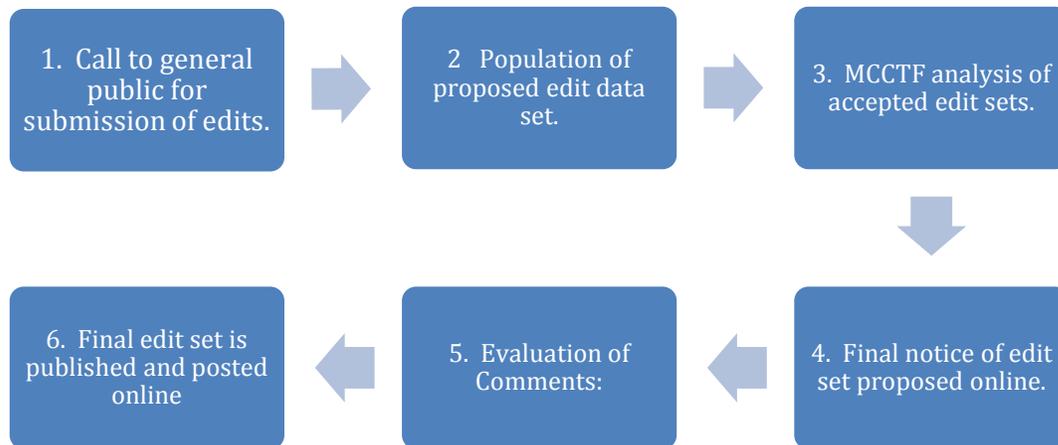
- 125 A. Final rule is published.
- 126 B. Rule is then moved to Edit set development protocol.

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128 **IV. Edit Set Development:**

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129 Once a rule is developed the MCCTF will initiate the development of and edit set to support the  
130 implementation of the rule. Again the process of consensus will be attempted at the edit level.  
131 The task will require that the MCCTF develop parameters for edit analysis including time frames  
132 for response and appeal of adopted edits. In lieu of consensus a simple majority vote of the  
133 members shall prevail.  
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136 **1. Call to general public for submission of edits**

- 137 A. A database for edits is created for housing of all edits.
- 138 B. An acceptable format for submission of edits will be included in the request for  
139 submission of edits for each rule or set of rules. See Appendix A for submission format.
- 140 C. A timeline for submission of edits is included in the request for submission of edits.
  - 141 i. The initial edit submission timeline will be set in accordance with statute deadline  
142 for development the initial data set for April 30, 2014.
  - 143 ii. Thereafter Deadlines for inclusion of an edit in an edit set will be 45 days prior to  
144 the end of the quarter.
  - 145 iii. NOTE: Due to the current timeline of some sources it is anticipated that MCCTF will  
146 release edit sets for each quarter 2 weeks prior to Quarter start. This process will  
147 not allow for adequate public feedback, therefore, the proposed process will

148 include release of data with a public comment period of 60 days allowing update  
149 based on public comment.

150 **D.** Submission request includes notification that edits not submitted will not be included in  
151 the final edit set and therefore, will not be allowed in processing of claims unless  
152 specifically included in contractual agreements between payer and provider.  
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154 **2. Population of Initial Edit data set (Initial Edit Set).**

155 **A.** Edits that conform to requested edit submission format will be added to the Initial Edit  
156 Set. Edit submission format will include the following:  
157 **i.** Edit must be in electronic format in file layout specified in the submission request.  
158 **ii.** Edit must include a national industry source, as recognized by MCCTF  
159 **iii.** Existing national industry sources as identified in House Bill 10-1332:

160 (I) THE NCCI;

161 (II) CMS DIRECTIVES, MANUALS, AND TRANSMITTALS;

162 (III) THE MEDICARE PHYSICIAN FEE SCHEDULE;

163 (IV) THE CMS NATIONAL CLINICAL LABORATORY FEE SCHEDULE;

164 (V) THE HCPCS CODING SYSTEM AND DIRECTIVES;

165 (VI) THE CPT CODING GUIDELINES AND CONVENTIONS; AND  
166

167 (VII) NATIONAL MEDICAL SPECIALTY SOCIETY CODING GUIDELINES.

168 **3. MCCTF analysis of edit sets with National Industry sources (Preliminary Edits)**

169 **A.** MCCTF will assign edit review to sub-committees  
170 **B.** Sub-committees will analyze edits for all edits in which there is conflict from sources.  
171 **C.** Sub-committee will analyze edits, other than those in conflict, at its discretion.  
172 **D.** Referenced Sources will be notified by MCCTF that edits have been added to the  
173 Preliminary Edit Set that have referenced the organization as a Source.  
174 **E.** Referenced Sources may request review of all edits listing the Referenced Source  
175 regardless of MCCTF determination to analyze the edit.  
176 **i.** Referenced Source will have 90 days to review the data provided under this  
177 request. If Referenced Source does not return a response the edit provided will be  
178 considered valid and accepted into the Preliminary Edit Set.  
179 **ii.** For those edits that the Referenced Source does not agree with interpretation and  
180 can provide valid counter reference material initial Referenced Source will be  
181 considered invalid and edit will not be included in the Preliminary Edit set unless a  
182 second Referenced Source considers the edit valid, supplier of Draft Edit will be  
183 provided with comments of MCCTF and Referenced Source.  
184 **iii.** If Referenced Source agrees the edit is valid, edit will be included in Preliminary  
185 Edit set  
186 **F.** For those edits which are analyzed, source analysis will be conducted as needed

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- i. Clear source notation with detailed sourcing to published data will be validated as needed with Referenced Source.
  - ii. Referenced Sources for those edits to be analyzed will be provided those edits (ie. CPT to AMA and Specialty Society to the referenced society). Referenced Source responses must be received within 90 days of the date provided.
    - a. If the referenced source does not respond within time frame specified the determination of whether or not to include edit is left to the Task Force. The source will be notified of the task force decision in these cases.
    - b. If Referenced Source does not agree with interpretation and can provide material to support its position, initial Referenced Source will be considered invalid and edit will not be included in the Preliminary Edit set, supplier of Draft Edit will be provided with comments of MCCTF and Referenced Source.
    - c. If Referenced Source agrees the edit is valid, edit will be included in Preliminary Edit set
    - d. If in rare instance valid sources are in conflict. Sub-committee will attempt to resolve conflict giving higher credence to the most clinical reference available.
  - G. A three-step sub-committee dispute resolution process will be used to address those edits for which conflict remains after source validation is completed.
    - i. (1) A discussion of the full sub-committee will be conducted followed by a vote of members. If consensus is obtained the edit will be excluded or retained for the Preliminary edit set as directed by the consensus.
    - ii. (2) If consensus is not obtained the sub-committee will delegate a sub-set of the members with equal representation from Payer and Provider and a neutral party agreed to by the task force.. This ad-hoc subset, will through discussion, develop a recommendation for the sub-committee. The recommendation will be from the following list:
      - a. Accept the edit,
      - b. Reject the edit. or
      - c. Retain the edit dispute.
    - iii. (3) The sub-committee will accept the decision of the ad-hoc subset for those edits that are accepted or rejected. For those edits that remain in dispute the Sub-committee through a simple majority vote will recommend to the full task force that the edit is
      - a. Accepted for inclusion in the Preliminary Edit Set
      - b. Rejected and not included in the Preliminary Edit Set
    - iv. In all cases, the supplier will be notified of MCCTF determination of the edit. Database administrator, to retain blind submission integrity, will conduct notification of supplier regarding the edit determination.  
*Note that edits may also be rejected as Out of Scope of the task force.*
  - H. All decisions for which conflict is noted and resolved by sub-committees will be vetted with full MCCTF.
    - i. Upon consensus where possible and upon majority vote when needed, Preliminary Edit sets will be approved by full MCCTF.

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- 232 **4. Final notice of Preliminary edit set online**
- 233 **A.** Vendor/payer/provider (VPP) who has its own rule logic takes the MCCTF edit set and
- 234 compares it/conducts an internal crosswalk against their edit list.
- 235 **B.** Vendor/payer/provider provides MCCTF with its requests to remove, retain or add edits
- 236 based on analysis. VPP must provide rationale for any change recommendations. It is
- 237 anticipated that comments on edits will be provided in required format similar to
- 238 process required for on-going edit evaluation.
- 239
- 240 **5. Evaluation of Comments:**
- 241 **A.** MCCTF Edit Committee reviews VPP recommendations during its bi-monthly meetings
- 242 and arrives at consensus recommendations on what is “in” and what is “out” based on its
- 243 review and analysis of the VPP recommendations. If consensus is not achievable within
- 244 Edit Committee on any edit and edit committee has agreed that source information is
- 245 valid, edit will be sent for review by full task force with noted lack of consensus.
- 246 **B.** Edit Committee posts its vetted edit list for MCCTF full task force review and comment
- 247 relative to any non-consensus edits. All other edits for which consensus has been
- 248 obtained will be added to edit set to be posted to website for public comment. The
- 249 website will have the capability to place vetted edit list for public comment with data
- 250 files and a section for public comment. *Commenters will have 30 days to review the edit*
- 251 *list.*
- 252 **C.** Edit Committee will review public comments at the end of the public comment period
- 253 and provide responses to commenters and its consensus recommendation to the Task
- 254 Force. Following same process used for VPP comment review.
- 255 **D.** Task Force reaches consensus based on committee recommendations regarding
- 256 comments, including rationale for decision. *The Task Force will complete its review of all*
- 257 *comments with consensus recommendations by 60 days after the close of the comment*
- 258 *period.*
- 259 **E.** *If Full task force consensus for an edit/rule change cannot be obtained. Interested parties*
- 260 *identified by the task force will be invited to present their positions to the Task Force. After*
- 261 *the presentation(s), a vote of the Task force will be called with the majority opinion*
- 262 *prevailing.*
- 263 **F.** As the federal register and other government agencies do, the MCCTF would provide a
- 264 summary of the comments it has received and their deliberations/decisions for each.
- 265
- 266 **6. Draft edit set, is published and posted online**
- 267 **A.** This notification would be posted on the same website and notification would be sent out
- 268 to the interested parties.
- 269 **B.** The notification would provide the final determination.
- 270 **C.** The notification would include the “effective” date or implementation date and specific
- 271 statutory requirements. *Notification of the rule findings and finalization will be completed*
- 272 *within 180 days of publication.*

273 **V. New Rules and Updates to Edit Sets:**

274 New rules and those updates as required by changes in code and technology will be subject to the

275 process stated above.

Section II:

VI. Dispute Resolution Process Open to Public:

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In the event a person or group wishes to challenge an edit or a rule, the following three level dispute resolution process is proposed:

- A. First, a dispute goes through MCCTF resolution; MCCTF resolution will consist of comparing edit and complaint to determine if either or both are correctly sourced to an accepted source by vendor or staff. If both are correctly sourced dispute would be elevated to MCCTF for resolution. If either is incorrectly sourced the correctly sourced decision would be recommended to task force for adoption of deletion, retention or addition of edit.
- B. Upon resolution of edit by MCCTF, decision of MCCTF can be challenged through mediated resolution. An independent ad hoc dispute resolution capability would be created which is separate from the business and content management functions. It would entail the creation of a three person panel comprised of: 1) complainant selected individual; 2) defendant selected individual; and, 3) a 3<sup>rd</sup> person that is acceptable to other two parties. Disputes would be brought before this three person panel for review and a final decision. The panel would be all-volunteer and not receive any direct compensation.
- G. *Rule /Edit will be subject to panel arbitration as follows:*
  - i. *Arbitration panel (AP) will be elected consisting of x vendors, x payers, x providers and x others.*
  - ii. *Panel will review comments from public, committees and task force.*
  - iii. *Based on review a vote of the AP will be conducted. The AP can vote to include the edit or rule change, reject the edit or rule change or refer the edit or rule change back to a committee for further evaluation.*

VII. On-Going:

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As the MCCTF is scheduled to be dissolved at the end of 2014 a new, permanent entity will need to be created to assume the role of the task force. It is recommended that a similar group be created. It is recommended that the new body be similar in make up consisting of 4 payer representatives, 4 provider representatives, 3 vendor representatives and 2 lay people representing the patient interests. All meetings should be open to the interested public. Further it is recommended that any sub-committee created have balanced representation to maintain the spirit of cooperation and integrity the MCCTF has been able to create. It is recommended that members of the group be technically qualified to analyze the issues presented to the group and that the membership be approved by the state. Further it is recommended that the body be made up of volunteers with compensation only for travel and expenses for required meetings of the group.

The group will carry out the charge of maintaining the Rule and Edit set in the spirit and function created by the task force with changes to the process adopted by consensus of the group.

