



Department of Health

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**DRAFT
MEETING MINUTES**

**Rhode Island All Payer Claims Database
Data Release Review Board Meeting
Friday, April 15th 11:00 am – 1:00 pm
Room 401, RI Department of Health
3 Capitol Hill, Providence, RI 02908**

Members Present:

Solmaz Behtash
Cory King
Kenny Alston
Michael Lichtenstein
Patrick Tigue
Kimberly Paull
Lawrence Rothstein

Members Absent:

Betsy Stubblefield-Loucks
Amy Black
Ira Wilson
Monica Neronha

Staff Present:

Nicole Alexander-Scott, Director, Department of Health
Jennifer Wood, General Counsel and Deputy Secretary, Executive Office of Health and Human Services
Alyssa Ursillo, Freedman HealthCare
Samara Viner-Brown, Department of Health
Melissa Lauer, Executive Office of Health and Human Services
Jim Lucht, Office of the Health Insurance Commissioner

1. Welcome and Call to Order

The meeting was convened by Alyssa Ursillo, Project Manager for the RI APCD, at 11:05 am.

2. Announce Board Co-chairs

Dr. Alexander-Scott announced the appointment of the two Board Co-chairs, Dr. Solmaz Behtash and Michael Lichtenstein. Alyssa Ursillo reviewed the role of the chairs and explained that they will switch off facilitating every other meeting. Dr. Behtash facilitated this meeting.

3. Board Member Roll Call

Dr. Behtash conducted the roll call.

4. Approval of February Meeting Minutes

The Board approved the February meeting minutes with no changes.

5. Discuss Annual Meeting Schedule

Ms. Ursillo explained that several members of the Board are no longer available during the previously agreed upon time for standing meetings from 11am – 1pm on the third Friday of the month. Ms. Ursillo had sent out another poll to the group and Friday mornings worked the best. No Board members objected to this time. Ms. Ursillo will send out another poll to the group with exact dates and potential times for the standing meetings moving forward.

6. Discuss Level 3 Detailed Extracts Request Process

Ms. Ursillo presented Level 3 extract request process to the Board. She reviewed that Level 3 extracts are claims line level and require the full application process. Applicants will be able to request pre-built extracts that contain medical claims, pharmacy claims, or both. All extracts will contain a set of core elements, but applicants may request additional sensitive elements, including service date and 5-digit zip code and/or 3M value added elements in addition to the core elements. Mr. Alston asked for further detail on what value added elements were, which Ms. Ursillo provided. Mr. Tigue noted that he thought these would be very important for users and that most would request them. Jennifer Wood added that these 3M's groupers are standard and used nationally, and require an additional fee due to licensing.

Dr. Rothstein asked if the APCD data has at all been affected by the recent Supreme Court decision in the Gobeille v. Liberty Mutual case. Ms. Wood explained the state's position on this case, and that legal team is interpreting the decision as applying only to the Vermont law, and not the Rhode Island statute. She noted that the Rhode Island statute only regulates insurers, not employers, and that insurers cannot act on their own to withdraw self-insured employers' data without that employers' permission. The Rhode Island team has informed insurers they are still required to submit self-insured data, and at the least must consult with their self-insured clients before withdrawing any of this data. The APCD team will update the Board as needed on this issue.

Ms. Ursillo explained the role of the Board in reviewing applications which is to ensure that patient privacy is sufficiently protected and that individual members cannot be identified in any published products derived from the data. She also reviewed what the Board is not supposed to consider as part of their recommendation, such as the accuracy of an analysis, the merit and skills of the applicant, and the interests of other organizations such as health insurers or providers. Ms. Wood emphasized that even if an applicants' findings are inaccurate or even considered harmful, it is not the role of the Board to police this as long as patient privacy is being protected.

Ms. Ursillo reviewed the application process for Level 3 data. Mr. Lichtenstein asked why the applications are posted for 10 days for public comment. Ms. Wood responded that this is so that privacy organizations that pay close attention to this have a chance to alert the Board to any concerns in advance of the application being considered. Kim Paull asked whether an application has to be posted if the request does not make sense given the data that's available – for example, if someone was looking for patient names. Ms. Wood responded that the APCD staff could let the applicant know this data was unavailable in the database and ask if they wanted to withdraw their application, but if the applicant insisted on having it reviewed the application must be posted.

Ms. Ursillo then walked through the application. The following changes were suggested by the Board:

General Information: Mr. Lichtenstein suggested there be a fill in the blank option for the “Other” category under Organization Type to keep track of the types of organizations requesting the data.

Project Details: Mr. Alston suggested there be detail provided to the applicant about how they submit publications to the Department of Health prior to publication. Ms. Ursillo explained that FAQs about the application process will be posted to the website along with the application.

Data Requested: Ms. Paull asked how applicants would know what core elements v. sensitive elements were and if there could be a brief summary of this within the application. Ms. Ursillo explained there will be a data file layout posted with the application that applicants will refer to, but will also add this summary to the application.

Applicant Details: Several Board members were confused as to why there was a question about the qualifications of the organization and personnel if the Board was not supposed to judge an applicant based on credentials or analytic skills. Ms. Wood clarified that this question was about the applicant’s capacity to follow the data security plan with fidelity, and served as a cross check against the plan. Ms. Ursillo agreed this question needed to be clarified in the application.

Data Security Plan: There was a lengthy discussion about whether third party organizations should be required to submit data security and privacy documents if they are a subcontractor to the requesting organization. Ms. Wood pointed out that the State wants to be very clear that the agreement is between the requesting organization (aka applicant) and the Dept. of Health, and that the requesting organization is liable for the third party’s actions. Dr. Rothstein emphasized he felt strongly that the third party documents should be part of the review process and should be required. Mr. Alston agreed. Mr. Tigue noted that these documents could be hundreds of pages long, and the Board would need to commit to reviewing this information if this was to be required. Dr. Behtash noted it could be optional to include these documents, but the Board could request them from an applicant if they were concerned about a proposed third party. Dr. Behtash brought the issue to a vote. The Board voted to make submission of third party security documents optional, with the understanding that the Board could ask for these documents at their discretion and could change this decision at any time.

Members in favor of recommending that third party security and privacy documentation be required:
Lawrence Rothstein
Kenny Alston

Members in favor of recommending that third party security and privacy documentation be optional but could be requested by the Board:
Solmaz Behtash
Cory King
Michael Lichtenstein
Patrick Tigue
Kimberly Paull

Mr. Alston asked how the Board would have the technical expertise to determine if data security documents were sufficient. Ms. Wood explained that the APCD staff who had this technical expertise would need to provide a cover sheet for the documentation with their assessment of its merit.

Dr. Rothstein asked about the Data Use Agreement’s Certificate of Data Destruction and Retention, and why the applicant would be able to retain the data. Ms. Ursillo explained this would be for when a project was extended and did not actually end at the project end date as specified in the DUA. There

was some discussion as to how the team would be keeping track of the end of projects and if they would be checked on annually. Ms. Wood explained the APCD staff would need a database to prompt them when projects were ending and when they were extended.

7. Update on Level 2 Data Sets

In the interest of time, Ms. Ursillo moved the discussion to the Level 2 data sets. She explained that the staff has found it very difficult to develop an analytic file with a meaningful level of detail that does not require a large percentage of cells to be suppressed. The staff has evaluated using the CMS cutoff of suppressing cells with fewer than 11 observations and the cutoff in the Regulations of suppressing cells with six or fewer observations. She walked through an example of combining five seemingly broad variables, and how this combination resulted in at least half of cells having fewer than 11 observations and over 40 percent having fewer than six observations. Ms. Wood suggested that removing the small payers from the analysis might result in a lower percentage of cells needing to be suppressed.

8. Recommendation on Level 2 Options

Ms. Ursillo noted that the staff feels there is still a need for the intermediate level of detail that Level 2 datasets provide. Therefore, the staff was asking the Board to make a recommendation on options for moving forward with Level 2 data: 1) releasing Level 2 data sets with cell suppression standard; 2) releasing Level 2 data sets without cell suppression; and 3) holding off on releasing Level 2 data sets until more research was done. The Board members discussed a fourth option, which was a combination of options 1 and 3: releasing Level 2 data sets with the cell suppression standard while still doing more research on cell suppression limitations. Ms. Paull noted that users could be told up front the percentage of people and dollars that would have to be suppressed in a dataset they were requesting before buying it. Dr. Alexander-Scott agreed with this idea. Cory King asked if this would be for pre-built files only and how this would be estimated for customized files. Ms. Ursillo explained this would be pre-built files only.

Dr. Behtash moved the issue to a vote. The present members voted unanimously to move forward with cell suppression but conduct research on cell size limitations. They suggested convening a group of potential users and presenting them with examples to see if these files were useful to them before releasing them for a fee. The Board members requested they be invited to this group.

Members voting in favor of Option 4:

Solmaz Behtash

Cory King

Michael Lichtenstein

Patrick Tigue

Kimberly Paull

Lawrence Rothstein

Kenny Alston

9. Public Comment

There were no public comments.

10. Next Steps and Adjourn

Ms. Ursillo will follow up with a poll to determine the revised annual meeting schedule and next meeting date. The Board will discuss procedures for reviewing Level 3 applications at the next meeting.