

# A Discussion of Section 115 of The No Surprises Act

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# Agenda

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## **TODAY'S AGENDA**

- Welcome and Introductions (Norm Thurston, NAHDO)
- A Summary of NAHDO/APCD Council Activities (Jo Porter, UNH)
- Provisions of Section 115 (Norm Thurston, NAHDO)
- Reaction and Moderated Q&A (John Freedman, Freedman HealthCare)
- Follow Up Action (Group Discussion)

# About Us

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## **National Association of Health Data Organizations (NAHDO)**

NAHDO is a national non-profit membership and educational association dedicated to improving health care data collection and use

Learn more on our web-site – [nahdo.org](http://nahdo.org)

- Register for our email list and newsletter
- Info on current members, partners and benefits (Membership)
- Follow up from today's conversation (Resources)



# About Us

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## The APCD Council

The APCD Council is a learning collaborative of government, private, non-profit, and academic organizations focused on improving the development and deployment of state-based all payer claims databases (APCDs).

The APCD Council is convened and coordinated by the **National Association of Health Data Organizations (NAHDO)** and the **Institute for Health Policy and Practice (IHPP)** at the University of New Hampshire (UNH).

## Our Work

- Early-Stage Technical Assistance to States
- Shared Learning
- Catalyzing States to Achieve Mutual Goals
- Advocacy for state/federal policies

[www.apcdcouncil.org](http://www.apcdcouncil.org)

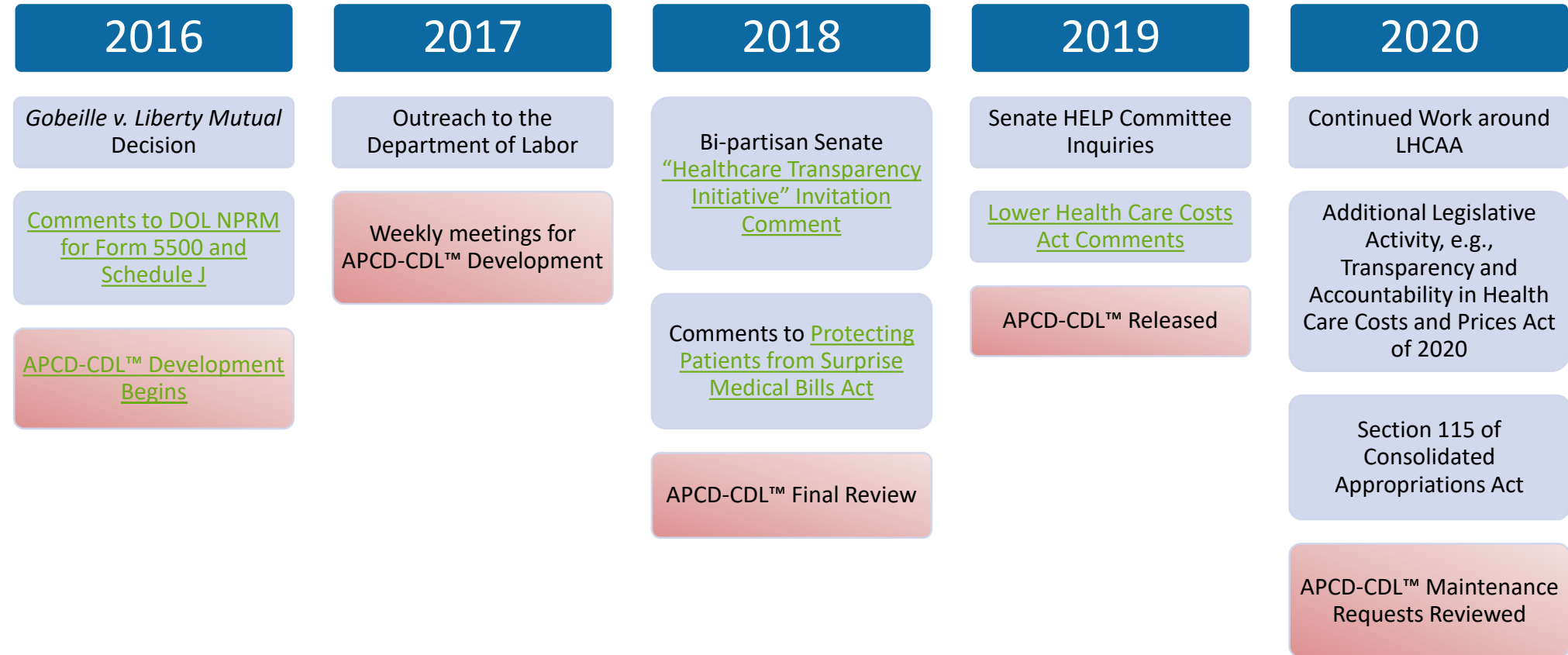
[www.apcdshowcase.org](http://www.apcdshowcase.org)

[info@apcdcouncil.org](mailto:info@apcdcouncil.org)

@APCDCouncil



# Selected Advocacy Responses for Federal Activity



# Provisions of Section 115 – State All Payer Claims Databases

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## **Subsection (a) Dept of Health and Human Services**

### GRANT PROGRAM

- Grants to states to **establish** or **improve** a “State All Payer Claims Database”
- Eligibility based on an application that at least specifies how the State will ensure 1) uniform data collection and 2) the privacy and security of such data
- Grants are for 3 years, \$1M in the first two years, followed by \$0.5M in the third year

# Provisions of Section 115 – State All Payer Claims Databases

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## **Subsection (a) Dept of Health and Human Services**

### EXPECTATIONS: AUTHORIZED USERS

- Entities wishing to use the data may submit a request for data directly to states funded under this program for research purposes, quality improvement, or cost containment
- Authorized users will be prohibited from attempting to reidentify and disclose protected data
- **Employers** may request customized reports at cost
- Grant-funded states shall make **aggregate data** publicly available free of charge
- Secretary of HHS may waive requirements if the State APCD is substantially in compliance

# Provisions of Section 115 – State All Payer Claims Databases

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## **Subsection (a) Dept of Health and Human Services**

### EXPECTATIONS: EXPANDED ACCESS

- Secretary may prioritize applications that establish a single application for **data from multiple states**
- Secretary may prioritize applications that will implement the Secretary of Labor's **reporting format for self-funded data**



# Provisions of Section 115 – State All Payer Claims Databases

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## **Subsection (b) Standardized Reporting Format (Department of Labor)**

STANDARDIZED REPORTING FORMAT (Within one year)

- The Secretary of Labor shall establish and periodically update a **standardized reporting format** for the voluntary reporting of data to State APCDs by group health plans
- The Secretary of Labor shall provide **guidance to States** on how to collect such data in the standardized format

# Provisions of Section 115 – State All Payer Claims Databases

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## **Subsection (b) Standardized Reporting Format (Department of Labor)**

### CONSULTATION – The Advisory Committee

- Qualifications
  - Distinguished themselves in health services research, health economics, health informatics, data privacy and security, State APCD governance, or
  - Represent organizations likely to submit or use APCD data – patients, group health plan sponsors, health care providers, insurers or third-party administrators
  - Serve three-year staggered terms (or until sunsetted)
- Report (due within 180 days) – Recommendations on the establishment of the format and guidance

# Provisions of Section 115 – State All Payer Claims Databases

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## **Subsection (b) Standardized Reporting Format (Department of Labor)**

### CONSULTATION – The Advisory Committee

- Secretary of Labor to appoint nine members
  - Assistant Secretary of Employee Benefits and Security Administration
  - Assistant Secretary for Planning and Evaluation (Health and Human Services)
  - In consultation with Secretary of HHS:
    - The Committee Chair, CMS, AHRQ, OCR (data privacy and security), NCHS, ONC, **a representative of a State APCD**
- The Comptroller General (GAO) to appoint six members
  - Employer, Employee Organization, Academic Researcher, Consumer Advocate, Two additional members – **Nominations due January 27, 2021**  
See <https://www.federalregister.gov/documents/2021/01/05/2020-29055/request-for-state-all-payer-claims-databases-advisory-committee-sapcdac-nominations>

# Provisions of Section 115 – State All Payer Claims Databases

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## **Issues Left Not Fully Resolved**

Submission of ERISA data (But we are on a good pathway)

Protection of “proprietary data”

The development of a national database

# Reaction, Insights and Q&A

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## **Reaction, Insights and Q&A**

John Freedman, Freedman HealthCare

# Group Discussion

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## Next Steps for Those on Today's Call

Important opportunities to have input on key areas

Working together will be better than competing voices

What can we do?

- NAHDO will sponsor ongoing video conferences
- Dedicated email address: [apcd@nahdo.org](mailto:apcd@nahdo.org)
- Share info with others
- Let us know if you have contacts at Labor or HHS
- Other Ideas?

# Contact Information

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