A Discussion of Section 115 of The No Surprises Act

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CO-CHAIR, APCD COUNCIL

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Agenda

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

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

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

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
www.apcdshowcase.org
info@apcdcouncil.org
@APCDCouncil
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<thead>
<tr>
<th>Year</th>
<th>Event</th>
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<tr>
<td>2016</td>
<td>Gobeille v. Liberty Mutual Decision</td>
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<td>Comments to DOL NPRM for Form 5500 and Schedule J</td>
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<td>APCD-CDL™ Development Begins</td>
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<td>2017</td>
<td>Outreach to the Department of Labor</td>
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<td>Weekly meetings for APCD-CDL™ Development</td>
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<td>2018</td>
<td>Bi-partisan Senate “Healthcare Transparency Initiative” Invitation</td>
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<td>Comment</td>
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<td>Comments to Protecting Patients from Surprise Medical Bills Act</td>
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<td>APCD-CDL™ Final Review</td>
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<td>2019</td>
<td>Senate HELP Committee Inquiries</td>
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<td>Lower Health Care Costs Act Comments</td>
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<td>APCD-CDL™ Released</td>
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<td>2020</td>
<td>Continued Work around LHCAA</td>
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<td>Additional Legislative Activity, e.g., Transparency and Accountability</td>
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<td>in Health Care Costs and Prices Act of 2020</td>
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<td>Section 115 of Consolidated Appropriations Act</td>
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<td>APCD-CDL™ Maintenance Requests Reviewed</td>
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Provisions of Section 115 – State All Payer Claims Databases

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

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
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

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

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

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Provisions of Section 115 – State All Payer Claims Databases

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

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

John Freedman, Freedman HealthCare
Group Discussion

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
◦ Share info with others
◦ Let us know if you have contacts at Labor or HHS
◦ Other Ideas?
Contact Information

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