Implications of APCD Provisions Omnibus Reconciliation Bill
Timeline for Key Provisions of Law

12/27/20
Enactment

3/27/21
Advisory Committee Members Appointed

10/1/21
$2.5M APCD grants appropriated & available under FY2022 budget

1/27/2021
Advisory Committee Nominations due
Advisory Committee issues recommendations on voluntary, standard format

12/27/21
Labor publishes voluntary, standard format
The Good News for States

- Federal Funding for APCD start-up or expansion
  - $2.5M over three years is a substantial help

- Path for a National Standard APCD Format
  - Standardizes voluntary APCD submissions from ERISA plans
  - This new standardized format may also:
    - Pave the way for mandating ERISA plan APCD submissions in the future (i.e., “fix” the Gobeille problem)
    - Become the de facto format for all APCD submission in the state, including commercial and Medicaid plan submissions
    - Reduce cost & complexity for states and health plans alike
    - Ease multistate collaboration and benchmarking

- Demonstrates expanding federal support for APCDs & recognizes their value
Advisory Committee

- Advisory Committee will advise (by way of a report) on voluntary, standardized format for APCD submissions by group health plan. Committee has no role relative to the grants for APCDs.

- Committee will have 15 members
  - Asst. Secretary of Employee Benefits and Security Administration of Dept. of Labor, or designee
  - Asst. Secretary for Planning and Evaluation of the DHHS, or designee
  - 7 Members appointed by Sec. of Labor in coordination with Sec. of Health and Human Services
    - Chair of Committee
    - CMS
    - AHRQ
    - Office for Civil Rights, with expertise in data privacy and security
    - National Center for Health Statistics
    - Office of Nat’l Coordinator for HIT
    - Representative of a state APCD
  - 6 Members appointed by Comptroller General (GAO)
    - Employer that sponsors a group health plan
    - Employee organization that sponsors a group health plan
    - Academic researcher, with expertise in health economics or health services
    - Consumer advocate
    - 2 additional members

- Each member will serve a staggered 3-year term. Vacancies must be filled within 3 months.
Remaining Unanswered Questions

- **APCD Grant Program**
  - When will the grant applications be available and what will the application require?
  - What does prioritization mean if there’s enough money for all states?
  - Will data access requirements also pertain to voluntary APCD’s?
  - How will “proprietary financial information” be interpreted?
  - Who will enforce the grant program requirements?
  - How will it interact with existing Medicaid match funding?
  - What about APM files? Can they be funded by grant dollars?

- **Standardized Format for Voluntary ERISA Submissions**
  - How will DOL go from the Committee’s report recommendations to the final, standardized reporting format? Is rule making required?
  - What happens to the Committee after they issue the report?
Q & A

John Freedman
john@freedmanhealthcare.com

Linda Green
lgreen@freedmanhealthcare.com

Tanya Bernstein
tbernstein@freedmanhealthcare.com

617-396-3600