



December 14, 2015

Maine Health Data Organization  
Attn: Karynlee Harrington, Acting Executive Director  
102 State House Station  
Augusta, Maine 04333-0102

via e-mail to  
Karynlee.Harrington@maine.gov

Re: Proposed Rule Chapter 120, "Release of Data to the Public"

Dear Ms. Harrington:

On behalf of Anthem Blue Cross and Blue Shield, I would like to submit the following comments with respect to proposed Rule Chapter 120, "Release of Data to the Public," pursuant to the Notice of State Rulemaking published by the Secretary of State on November 11, 2015.

➤ ***Section 3. General Provisions Applicable to all MHDO Data***

- Section 3(3)(I) of the proposed rule provides that "Authorized Redistributors" of MNHDO data "can use the MHDO data for inclusion in a larger composite database or to produce reports that are publicly released. However, the term "Authorized Redistributor" is not defined.
- Section 3(3)(J) provides that the "MHDO shall maintain ownership of all data elements and sets it releases including any MHDO generated numbers or identifiers therein." However, the MHDO does not really "own" the data. The data is submitted by data providers and the MHDO is the state repository for that information; however, that does not confer ownership rights upon the MHDO. Therefore, we would suggest amending section 3(3)(J) to provide that "As between MHDO and the data recipient, MHDO shall maintain ...." A similar change should be made to section 4(2)(C) as well.

➤ ***Section 4. MHDO Data Use Agreement***

- Section 4(2)(H) requires that Data Recipients must indemnify the MHDO from any damages resulting from a data recipient's breach. The Data Use Agreement used by the MHDO should also require Data Recipients to indemnify Data Providers—it is very likely that someone whose information was compromised might well take action against the Data Provider as well as the MHDO.

Thank you for the opportunity to submit these comments. Should you have any questions or need additional information, please do not hesitate to contact me at (207) 822-7260.

Sincerely,

A handwritten signature in blue ink, reading "Kristine M. Ossenfort". The signature is written in a cursive style with a long horizontal flourish at the end.

Kristine M. Ossenfort, Esq.  
Director, Government Relations

Cc: Linda Adams (linda.adams@maine.gov)