

MINUTES

BOARD OF DIRECTORS MEETING
151 CAPITOL STREET, AUGUSTA, MAINE
THURSDAY, JANUARY 29, 2015

The meeting of the Maine Health Data Organization (MHDO) Board of Directors began at 9:00 a.m. with the following Board members present: Lisa Harvey-McPherson, (Chair), Anne Head (Vice-Chair), Poppy Arford, Mike DeLorenzo, Andy Ellis, Peter Gore, Anita Knopp, Neil Korsen, Jim Leonard and Katherine Pelletreau. Absent members were: Maryagnes Gillman and Dave Winslow. Also in attendance were Karynlee Harrington, Acting Executive Director and Deanna White, Agency Assistant Attorney General.

Chair Report

Upcoming Board Meetings – The Executive Committee decided that the focus of the March 5th Board meeting would be on the work that has been done to date to develop the new Cost & Quality website. It was also noted that the meeting would be extended from the usual two hours to a three hour meeting. An electronic appointment will be sent to all the Board members.

Acting Executive Director Report

Review Comments and Responses Re: Data Release Rule - The Board continued their review of the comments and responses submitted for the new proposed data release rule from the previous Board meeting. Karynlee explained her rationale for the proposed responses to each comment. A lengthy discussion ensued regarding the definition of proprietary data replacing the existing definition of confidential data and how it relates to the release of PHI, more specifically charge data and triple/quadruple sort. A motion was made and seconded to strike the last two sentences in Definition 31-Proprietary Data in the proposed rule. There was a discussion about whether this change was a major substantive change which would require the board to start the rule making process over. A motion was made that this was a substantive change to the proposed rule that should be re vetted with the stakeholders. The motion passed with one in opposition and one abstention. Karynlee stated that she will revise the response to accommodate what the Board decided.

After discussing a recommendation from a commenter which was to clarify ownership of all data elements and sets that the MHDO releases it was decided that the response

and language in the proposed rule will be revised as suggested to clarify “between MHDO and the data recipient, MHDO will maintain ...”.

An additional modification to the response will be that the MHDO will “address”, as opposed to “consider”, a comment received regarding language in the Data Use Agreement to indemnify Data Providers from any damages resulting from a data recipient’s breach.

Language related to Section 3 (4)(A) will be changed to say instead of “These rules may be modified” to “Provisions of the rule may be waived”.

Karynlee briefly reviewed the technical changes she provided and the Board agreed with her overview of the proposed changes.

Review Next Steps and Timeline Re: Data Release Rule – Lisa stated that the next step would be to engage in a stakeholder discussion around the triple-sort/quadruple sort, and solicit feedback for the Board to develop a policy position. Or, make technical corrections around charges as proprietary data and bring back out to public comment. However, this would raise the issue of other data elements now that charge data will be added. The quadruple sort consists of charge, total paid, identified by health plan, and identified by provider. Triple sort consists of the same three without the charge data. It was clarified that total paid consists of plan, co-pay and deductible.

Deanna confirmed that if the rule is not adopted within 120 days of the comment period end date-the rule will need to go back out for public comment.

A motion was made to suspend rulemaking on the new data release rule in light of the issues raised. The motion passed. This will give the board time to discuss next steps and timelines.

It was decided that the Board will hold a retreat after the Legislature adjourns and the February 5th Board meeting was cancelled. The vote was called and passed.

Public Comment

No public comment provided.

The meeting adjourned at 11:00 a.m.