

MINUTES

BOARD OF DIRECTORS MEETING
151 CAPITOL STREET
AUGUSTA, MAINE

THURSDAY, MARCH 3, 2016

The meeting of the Maine Health Data Organization (MHDO) Board of Directors began at 9:05 a.m. with the following Board members present: Lisa Harvey-McPherson, (Chair), Neil Korsen (Chair-Elect), Joel Allumbaugh, Patrick Denning, Andy Ellis, Maryagnes Gillman, Anita Knopp, Jim Leonard, and Dave Winslow. Absent members were: Anne Head (Vice-Chair) and Peter Gore. Also in attendance were Karynlee Harrington, Acting Executive Director and Deanna White, Agency Assistant Attorney General.

Chair Report

Vote to approve Board minutes - A motion was made and seconded to accept the January 7, and January 28, 2016, MHDO Board minutes as written. Motion carried.

Status of Board Appointments - The Chair informed the Board that Sandy Parker with the Maine Hospital Association has been appointed to replace David Winslow who has served the maximum number of years allowed. Sandy will be sworn in prior to the April meeting and Karynlee will provide her with orientation as needed.

LD 1305 Update - The requirements in LD 1305 that impact the MHDO have been removed and as such there will be no need for a fiscal note, as no further action will be required on the MHDO's part.

MHDO Rule Chapter 270 - The Health and Human Services Committee held a public hearing on this rule change February 16. Karynlee testified on behalf of the Board in support of the changes. No one testified in opposition to the changes. A work session was scheduled for February 18th. After a discussion about possibly including data on medical marijuana the rule passed with a unanimous vote. A letter from the Committee will be sent to the Maine Quality Forum asking them to look into the feasibility of collecting data on medical marijuana.

Acting Executive Director Report

Proposed MHDO Rule Chapter 120 - Karynlee informed the Board that she reached out to the parties that submitted comments regarding Chapter 120 and informed them that the board would be addressing several issues regarding Chapter 120. The agenda along with a call in number was sent to the parties in the event that they wanted to join the meeting. Karynlee then went on to inform the board that Paul Gauvreau with the AG's office did the independent review of the rule and has approved the rule pending several revisions to the rule that address a legal issue Paul identified. Karynlee referred the board to Title 22 Chapter 1683, section 8714,

sub-section 1 states that *MHDO data releases are not reviewable*. There is a provision in the proposed rule that complies with section 8714 sub-section 1 but there is also a section and language in other sections of the proposed rule that conflict with this provision in the law as it relates to appeal rights. Karynlee walked the board through the necessary revisions (refer to revised draft of Rule Chapter 120). After some discussion the Board approved the revisions.

Karynlee addressed the issue regarding the data elements in Level I data releases. Where it is not the intent of Level I data releases to identify individuals directly or indirectly, the recommendation was made that the MHDO assigned member number be removed from Level I data files. Karynlee discussed this issue with Compass – the commenter and they understand the rationale behind the recommendation. Karynlee also recommended, based on several discussions since the board last discussed Level III data elements that the board remove social security numbers from the list of Level III potential releasable data elements. A motion was made and seconded that Karynlee and Deanna make the approved revisions as discussed and that Karynlee move the process forward and submit the rule to the appropriate parties including the Legislative Council. The motion passed unanimously.

Next Steps with CompareMaine - Karynlee reviewed with the board the deliverables the team is working on for the upcoming CompareMaine 2.0 release scheduled for this spring. She also talked to the board about the need to prioritize the work load over the next year (refer to Priorities Document). Karynlee stated that after the 2.0 release CompareMaine will be in a good place to take a break and shift the focus to several other high profile activities and deliverables including the new hospital data submission system and revenue generating activities. After some discussion the Board agreed that this strategy made sense.

Status of Hospital Data and New Hospital Data Submission System - Karynlee gave the Board a brief overview of the new MHDO hospital data submission system, pointing out that there will be over 300 validations which will improve the data intake process, data quality and data documentation. The system is very similar to the current claims processing system that operates with very few problems. Karynlee reviewed with the Board a detailed timeline that she provided (Refer to document). A training webinar has been scheduled with the hospitals for March 9th-detailed review of Rule Chapter 241. She reminded the Board that the MHDO contract with DataBay Resources has expired and that the new system will go live in July 2016.

Karynlee also informed the board that a small group of external subject matter experts were convened to discuss the MHDO's plans to update the MHDO assignment of Hospital Service Area (HSA) in the hospital inpatient data. Tina Jackson from the Planning Department of Maine Medical Center has been working with HSA's for many years. Karynlee asked Tina to make a presentation to the group. Bottom line the group agreed it makes sense to leverage the work that Maine Medical Center has done in this area and to implement the updated assignments beginning with the 2016 hospital inpatient data.

U.S. Supreme Court Decision - On March 1, 2016, in *Gobeille v. Liberty Mutual*, the U.S. Supreme Court ruled that states cannot compel self-insured health plans to submit medical claims data to the state's all-payer claims dataset (APCD). The Supreme Court cited the U.S.

Employee Retirement Security Act (ERISA) law which pre-empts state laws related to employee benefits plans. Deanna White, AAG, summarized the decision and the potential impact to the MHDO. Deanna pointed out several of the comments made by Justice Breyer in the decision specific to the notion that that pre-emption does not necessarily prevent Vermont or other States from obtaining the self-insured, ERISA data that they need. States wishing to obtain information can ask the Federal Government for appropriate approval. As the majority points out, the "Secretary of Labor has authority to establish additional reporting and disclosure requirements for ERISA plans."

Karynlee added that approximately 25-35% of the individuals in the MHDO commercial claims data are covered under a self-funded ERISA plan; and that she has been in contact with the APCD Council. With the Board's approval she will continue participating in these conversations and others to explore both short and long term national strategies to address this issue. Karynlee will keep the executive committee updated and report out at upcoming board meetings. Karynlee will also discuss the decision in more detail with Deanna and develop a MHDO policy as needed.

MHDO Financials - Karynlee submitted to the Board a copy of the MHDO financial statement for January 2016 and stated that there are no significant concerns except the need to focus on revenue generating activities as the revenue associated with the sale of data is lower than expected. The financials will be discussed in more detail at the June retreat.

Maine Quality Forum (MQF)

Karynlee briefed the board on a new educational tool on infection prevention specifically designed for extended care facilities that the Maine Quality Forum (MQF) has developed - with the expertise of many including Muskie, the Maine CDC's HAI Prevention Program and APIC. Karynlee added that they are in the final phases of completing the eight-hour curriculum that is divided into six stand-alone modules to be completed at the convenience of the participant. Content areas include: general infection control and prevention practices; common infectious diseases; isolation/transmission precautions, surveillance and data collection; performance improvement, and antibiotic stewardship. In addition to the stand-alone modules there is a comprehensive set of resources that have been organized by topic that are accessible to the facility. Karynlee will provide a demo and copies of the brochure that describe the tool once all finalized.

Other Matters

Maryagnes Gillman informed the Board that she will be leaving her current position of Executive Director of Sacopec Valley Health Center on May 31, 2016. As such she will be resigning her Board seat as the representative of Federally Qualified Health Centers.

Public Comment

No public comment provided.

The meeting adjourned at 11:05 a.m.