

STATE ALL PAYER CLAIMS DATABASES ADVISORY COMMITTEE
Employee Benefits Security Administration
U.S. Department of Labor
June 24, 2021
Minutes of Teleconference Meeting

The State All Payer Claims Databases Advisory Committee conducted its fifth full Committee meeting on June 24, 2021. Designated Federal Officer Elizabeth Schumacher, Deputy Director, Office of Health Plan Standards and Compliance Assistance (OHPSCA), EBSA, DOL, called the meeting to order at 9:30 a.m. Others attending the meeting from the EBSA include Becki Marchand, Office of the Deputy Assistant Secretary for National Office Operations, EBSA, DOL; Angela Melina, OHPSCA, EBSA, DOL; Justine Sorrentino, OHPSCA EBSA, DOL; and Beth Schumann, OHPSCA, EBSA, DOL.

All Committee Members were present.

Committee Chair Maureen Mustard highlighted the importance of the Committee's report to the Secretary of Labor, the deadline for which was originally June 25, 2021, but which has been extended by the Committee. Ms. Mustard also underscored the Committee members' efforts to produce a high quality report that could inform future U.S. healthcare policy. During the June 24th meeting, each of the four subcommittees presented their draft recommendations that they will work to finalize during the month of July and present in a full Committee public meeting that will take place at the end of July, on either July 26 or July 27, 2021.

In discussing Subcommittee 1's collaborative work, Cheryl Damberg (RAND), emphasized the following points included in Subcommittee 1's draft recommendations, most of which specifically mention the DOL and include:

- The SAPCDAC should be retained, and the period of performance extended beyond June 25, 2021 to allow for 12 months to fully address the issues related to the Committee's charge.
- In the immediate term, the DOL should use the content of the APCD-CDL as the basis for the standard reporting format for submitting data to APCDs.
- States with a different APCD data collection format may need a process for transition to a new APCD-CDL format. DOL should work with states to understand those implementation processes.
- There is recognition that the APCD-CDL does not include data elements related to non-claims payment. Given the importance of these payments in understanding healthcare costs, DOL should work collaboratively with states to enhance the standard reporting format. The CDL should be revised to capture the totality of payments to providers, including non-fee-for-service payments and other variables needed to enable cost and utilization analyses, including plan benefit design and cost-sharing features, and the actuarial value of plans.

- DOL should work with stakeholders to determine what additional high priority data elements should be contained in data submissions to APCD and create standards and a process for submitting such data.
- DOL should identify an ongoing stewarding body to maintain and update the uniform data layout. Entities for consideration should be multi-stakeholder organizations capable of reconciling both content and technical requirements for implementers. Standards Development Organizations (SDOs) have existing processes in place, and some of the elements in SDOs are maintained by SDOs. DOL should explore how to leverage the existing functionality for updating and maintenance of the format.

Subcommittee 2 spokesperson Jo Porter, (APCD Council), reported Subcommittee 2's draft recommendations. With respect to the DOL's role, Ms. Porter specifically mentioned that the DOL, in consultation with APCD stakeholders, should identify an ongoing process whereby states can periodically evaluate current and emerging standards for data submission and methods for quality assurance.

In discussing Subcommittee 3's proposed recommendations, Dr. Herbert Wong (Agency for Healthcare Research and Quality) stated that the Committee be retained and the period of performance extended beyond the June 25th deadline to fully address issues related to the Committee's charge. Subcommittee 3's draft recommendations focus on how state APCDs should develop and implement rigorous privacy and security protections for the health information they receive, maintain, and release, including comprehensive administrative, technical, and physical safeguards.

Frederick Isasi (Consumer Advocate) presented Subcommittee 4's draft recommendations and highlighted the following points with respect to the DOL. First, he mentioned that the Secretary of Labor in partnership with the Secretary of HHS should clarify and emphasize all of the public policy and business interests that would be served by having self-funded employer-sponsored health plans submit data. This would include but is not limited to: health equity, market regulation, quality, and care variation, and public health uses. The Secretaries of DOL and HHS should consider convening a roundtable of employers or publishing a white paper to highlight and document these benefits.

The Secretary of Labor should make it easy for plan sponsors to participate in APCD data submission. This includes:

- Simplifying the process for plan sponsors to opt in to data submission by creating a standard opt-in process managed by DOL (e.g., allowing plan sponsors to opt-in via the DOL annual Form 5500).
- Creating a uniform process across states that clarifies that the decision to submit data rests with the plan sponsor, not the TPA, and that TPAs must implement the plan sponsor's wishes. This could include creating model contract language for TPAs around APCD data submission.
- Clarifying that TPAs in passing along the cost of APCD data submission to plan sponsors must ensure these fees do not unduly burden plan sponsors.

With respect to longer-term recommendations, the subcommittee suggested that the Secretary of Labor should monitor progress in securing robust self-insured data within state APCDs. This includes examining access to data from government-sponsored coverage – particularly, FEHBP, DOD/VA, Medicare FFS, and Medicare Advantage as well as state sources of coverage, including Medicaid, CHIP, and State/City/County employee coverage. In addition, the subcommittee suggested that the Secretary should establish a date (e.g., 3 years) and metric (e.g., percent of state covered lives with data submitted to state APCD) by which DOL determines if voluntary data submission has succeeded to create more robust APCD data and, if not, triggers:

- Administrative action or a recommendation for congressional action to require a uniform standard for submission and mandatory submission across self-insured, government sponsored, and fully insured plans; or
- Action by DOL in its oversight role (potentially with the assistance of another government agency such as HHS) to centrally collect all claims data from self-insured employers that will then be disseminated to states based on beneficiary geography (residence and utilization of health care services); or
- The creation of a new committee to consider progress made over the time period and make recommendations to the Secretary for additional steps to increase self-insured data reporting (e.g., creating centralization or more streamlined processes including considering a regionalized approach).

Maureen Mustard adjourned the meeting at 1:51 p.m.

**Certification of Minutes and Records of
Advisory Committee Meeting of June 24, 2021**

I, Maureen Mustard, chair of the Advisory Committee on State All Payer Claims Data Bases, do hereby certify that, to the best of my knowledge, the minutes prepared for the meeting of the Advisory Council on June 24, 2021 are accurate, and the accompanying documents constitute a complete compilation of the record of the meeting.

Signed



Date

8/13/2021
