



*The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Division of Health Care Finance and Policy
Two Boylston Street
Boston, MA 02116*

DEVAL L. PATRICK
Governor

TIMOTHY P. MURRAY
Lieutenant Governor

617-988-3100 • Fax 617-727-7662
www.mass.gov/dhcfp

JUDYANN BIGBY, M.D.
Secretary

ÁRON BOROS
Commissioner

Administrative Bulletin 12-14

114.5 CMR 22:00: Health Care Claims Data Release

May 24, 2012

The purpose of this Administrative Bulletin is to establish administrative procedures and guidelines for the release of All Payer Claims Data (APCD data) under 114.5 CMR 22.00, including the procedures for the Data Release Committee.

Data Applications

The Division will now begin accepting applications for APCD data. Information about the APCD datasets, the APCD fee schedule, the Application Form and the process for submitting an application is posted on the Division's website.

The Application Form requires that applicants provide to the Division any reports intended for publication, disclosure or release beyond individuals identified in the application in advance of publication, disclosure, or release of such reports. The Application Form also requires applicants to obtain prior approval from the Division to release any published reports that use Restricted Use Data in advance of publication or release of such reports. The Division does not require applicants or applicant organizations to provide or obtain prior approval for internal analyses that will not be publicly disclosed and shared only with the individuals identified in the application.

The Data Release Committee

In accordance with 114.5 CMR 22.03(2)(c), the Division has established a Data Release Committee (Committee) to review applications for APCD data, make recommendations about the applications, and advise the Commissioner about data release policies.

Members of the Committee are special state employees subject to the requirements of M.G.L. c. 268A, the conflict of interest law. The law prohibits Committee members from acting as a spokesperson for an applicant requesting APCD data; receiving compensation, or being a participant in a project for which the Division has either received or approved an application; or engaging in conduct which may give the impression of improper influence.

Prior to the review of an application, a Committee member is required to disclose any interest in, or association with, the applicant including but not limited to current professional affiliations with sponsoring institutions and agents or contractors used in the research. The Committee will determine whether the member should be excluded from discussions about the application, voting on the application, or both. A member may not participate in a discussion about or a vote on an application in which he or she has a financial interest. A member may not disclose confidential information obtained through his or her membership in the Committee.

The Division will schedule Committee meetings monthly. The Division will post the time, location and agenda for each meeting on the Division's website 10 days before each Committee meeting. If the Division cancels the meeting for any reason, the Division will notify Committee members at least 5 days prior to the scheduled meeting or as soon as is feasible, and post the cancellation notice on the website. Committee meetings are open to the public.

The Committee will review and make recommendations on all applications for APCD data. Committee Members may delegate voting authority to designees, in writing, to the Commissioner in advance of a scheduled meeting. Members may participate in Committee meetings and vote by teleconference.

Administrative Processing

At each meeting, the Committee will review all completed applications that were submitted by 5:00 p.m. on the last business day of the prior month. The Division will post all applications scheduled for review on its website at least 10 days prior to the scheduled Committee meeting in order to permit public comment and to provide an opportunity for payers to submit comments and suggestions about the release of the requested data.

The Committee will review only completed applications. The application must contain all required signatures, including the data use and confidentiality agreement included in the Application Form. Division staff will review submitted applications for completeness and will notify applicants if additional information is required. Incomplete applications will not be scheduled for Committee review unless the required information is submitted at least 10 days prior to the scheduled Committee meeting.

Division staff will send all completed applications scheduled for review to Committee members 10 business days prior to the meeting at which such applications will be discussed, and will provide any public comments received at least 2 days prior to the meeting.

Review of Applications

Applications are reviewed according to the provisions of 114.5 CMR 22.00. The Committee will consider, among other things, whether the application adequately addresses the purpose of the request; data security and confidentiality; the release of

proprietary and confidential information that could adversely impact health care payer competition; use of agents or contractors; data linkage; and release of data or reports based on the data.

The Division will notify applicants of its decision on the application. The Division may approve an application in whole or in part. The Division may approve an application with conditions. If the application is approved with conditions, the Applicant must sign a revised data use and confidentiality agreement that includes the conditions. If the Division approves release of the data, the applicant must remit the required fees prior to the release of the data.

If the Division denies an application for data in whole or in part, it will notify the applicant of the reasons for the denial. The applicant may submit a revised application that addresses the concerns of the Division.

The Division may defer action on an application if the Division, or the Data Release Committee, determines that additional information is required. The Division will notify applicants about what additional information or materials must be submitted. The applicant must submit the required information at least 10 days prior to the next scheduled Committee meeting to be considered at the next meeting.