

## NOTICE OF PUBLIC HEARING

Pursuant to the provisions of M.G.L. c. 12C and in accordance with M.G.L. c. 30A, as amended, the Center for Health Information and Analysis (CHIA) will hold a public hearing on Tuesday, May 2, 2017 at 10:00 A.M. at 501 Boylston Street, Boston, MA 02116 relative to the adoption of amendments to regulation:

### **957 CMR 8.00: ALL PAYER CLAIMS DATABASE (APCD) AND CASE MIX AND CHARGE DATA SUBMISSION**

The amended regulation, effective June 16, 2017, governs the reporting requirements regarding health care data and information that health care payers (Payers) and Hospitals must submit in connection with the All Payers Claims Database (APCD) and the Acute Hospital Case Mix and Charge Data (Case Mix and Charge) Databases. The reporting requirements remain unchanged from those currently in effect except with respect to self-insured plans. The proposed amendments allow for the voluntary submission of data for employee-sponsored health benefit plans for inclusion in the APCD, and further provide that failure to submit such data will not result in penalties. The proposed amendments also add new definitions, revise existing definitions, and make minor updates to the text of the regulation.

CHIA is proposing these amendments in response to the U.S. Supreme Court decision in *Gobeille v. Liberty Mutual Insurance Co.*, 136 S. Ct. 936, 947 (2016), which held that state laws may not require the submission of data from self-funded ERISA plans to state APCDs. It is anticipated that Payers will incur no additional administrative costs resulting from the proposed changes to this regulation. There is no fiscal impact on cities and towns and no fiscal impact on small businesses.

Individuals that notify CHIA of their intent to testify at the hearing will be afforded an earlier opportunity to speak. Speakers may notify CHIA of their intention to testify at the hearing by emailing [CHIA-Regulations@state.ma.us](mailto:CHIA-Regulations@state.ma.us). Individuals may also submit written testimony to the same email address. Please submit electronic testimony as an attached Word document or as text within the body of the email with the name of the regulation in the subject line. All submissions must include the sender's full name and address. Individuals who are unable to submit testimony by email should mail written testimony to the Center for Health Information and Analysis, 501 Boylston Street, Boston, MA 02116. Written testimony must be submitted by 5:00 P.M. on Friday, May 12, 2017. Copies of the regulation are available for inspection and/or purchase at the Center for Health Information and Analysis or may be viewed on CHIA's website at [www.chiamass.gov/regulations](http://www.chiamass.gov/regulations).