

MINUTES

BOARD OF DIRECTORS MEETING
151 CAPITOL STREET
AUGUSTA, MAINE
THURSDAY, JANUARY 7, 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), Anne Head (Vice-Chair), Joel Allumbaugh, Patrick Denning, Andy Ellis, Maryagnes Gillman, Peter Gore, Anita Knopp, Neil Korsen, Jim Leonard, and Dave Winslow. 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 December 3, 2015 MHDO Board minutes as written. Motion carried.

Vote to appoint Chair-elect - Lisa Harvey-McPherson requested that the Board vote to appoint a Chair-elect to join the Executive Committee and to assume the role of Chair when her term ends in May. A motion was made and seconded for Neil Korsen to become the Chair-elect and be included in Executive Committee discussions. The motion passed unanimously.

Legislative Update - The Chair reported that L.D. 1305 is still pending in the Insurance and Financial Services Committee and, if passed as drafted, there may be fiscal implications for the MHDO. The proposed legislation would require the MHDO to update CompareMaine twice a year; have a method available for consumers to print confirmation statements; and to produce a report annually for all carriers.

Karynlee will review and estimate the fiscal impact to the MHDO. She will report back at the next board meeting.

Acting Executive Director Report

Review Comments and Proposed Responses to Rule Chapter 270: Uniform Reporting Systems for Quality Data Sets - The Board reviewed the public comments and Agency responses in reference to Chapter 270 proposed changes. (Refer to document) Karynlee explained that the first three public comments focused primarily on opposing the deletion of the nursing sensitive measures in Section 5. Due to this opposition

Karynlee suggested one approach was to reinstate Sections 5A and 5B, but not 5C as this measure is no longer endorsed by the National Quality Forum. She also suggested that the Board could suspend the collection of these measures in Sections to allow the Agency time to review the feasibility of publically reporting them via the CompareMaine website.

A lengthy discussion ensued amongst the board members and it was determined that these measures are not broadly requested; they are not part of any other dataset; they are not publically reported and it is more appropriate to report on CompareMaine measures that we collect under Chapter 270 that are reflective of outcomes of nursing care. A motion was made and seconded to eliminate the measures as originally proposed. The motion passed with one abstention.

The Maine Hospital Association requested deleting NSPC-1, NSPC-2 and NSPC-4 as they are not broadly requested and are not being publically reported. Karynlee stated that NSPC-1 and NSPC-2 are being used and recommended exploring the feasibility of adding these measures on CompareMaine as they are more reflective of outcomes of nursing care. A motion was made to accept this recommendation. The motion was seconded and passed unanimously.

The board agreed with the definition changes as well as the technical changes submitted by the Agency.

Vote to provisionally adopt Chapter 270: Uniform Reporting System for Quality Data Sets - A motion was made to accept the changes as discussed and approved. The motion was seconded and passed unanimously.

Review of Comments and Proposed Responses to Rule Chapter 120: Release of Data to the Public - The Board reviewed the public comments and Agency response document for the proposed data release rule Chapter 120. (Refer to document)

Comment 1 - the Board approved adding the following underlined language in Section 4(2)(H) of the rule:

Data recipients shall indemnify MHDO for any damages resulting from a data recipient's data breach or other violation of law, and mitigate to the extent practicable all harmful effects resulting from misuse of MHDO data.

They also agreed to include a provision in the MHDO Data Use Agreement reminding the data recipient that misuse of MHDO data for anti-competitive behaviors such as collusion is a violation of law and that the MHDO will report any such violation in the use of its data to the appropriate authorities.

The Board supported the proposed Agency action for Comments 2 through 7.

Comment 8 - the Board agreed that no changes are required in Section 4(2)(J); however, as the MHDO prepares its new MHDO Data Use Agreement it will consider incorporating best practices from CMS, including the policy:

The User agrees that any use of CMS data in the creation of any document (manuscript, table, chart, study, report, etc.) ... must adhere to CMS' current cell size suppression policy. This policy stipulates that no cell (e.g. admissions, discharges, patients, services) 10 or less may be displayed. Also, no use of percentages or other mathematical formulas may be used if they result in the display of a cell 10 or less. The users agrees by signing the DUA that they will agree to abide by these rules and, therefore, will not be required to submit any written documents for CMS review.

Comment 9 - the Board supported the following language changes in Section 4(1):

The MHDO DUA shall provide adequate privacy and security measures that include appropriate accountability and breach notification requirements ~~similar to these~~ as required of business associates under HIPAA.

The Board agreed with the proposed Agency action for Comment 10.

Comment 11 - Regarding data requestors who contract with a third party for the data analytics, it was agreed that the Agency will make clear on its website the identification of all third parties performing the data analytics on behalf of the data applicant, as part of the information provided on the data request for public review and comment.

Comment 12 - The Board agreed with the proposed Agency action to develop a list of ICD-10 and CPT codes for data specific to HIV tests and status; psychiatric treatment records; and substance abuse treatment and these data will be suppressed from all Level III data releases.

Vote to provisionally adopt Chapter 120: *Release Of Data to the Public* - Due to time restraints and the impending loss of a quorum, a motion was made to convene a second meeting later in the month to complete the review of comments, responses and proposed Agency actions, and to allow the Board to establish a quorum via telephone attendance. The motion was seconded and passed unanimously.

Maine Quality Forum (MQF)

Karynlee informed the Board Lisa Letourneau, executive director of Quality Counts (and our project director for our MAPCP and PCMH work for the last five years) announced earlier this month that she is leaving her role by the end of 2016. In her written announcement she said that the time was right for her personally to take this break with her husband to fulfill their dreams of traveling.

Public Comment

No public comment provided.

The meeting adjourned at 11:00 a.m.