



**MHDO** Maine Health  
Data Organization  
Information | Insight | Improvement

JANET T. MILLS  
GOVERNOR

151 CAPITOL STREET  
102 STATE HOUSE STATION  
AUGUSTA, MAINE  
04333-0102

NEIL KORSEN MD  
CHAIR  
COMMISSIONER ANNE HEAD  
VICE-CHAIR  
KARYNLEE HARRINGTON  
EXECUTIVE DIRECTOR

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Ms. Katarina M. Horyn  
Associate General Counsel  
UnitedHealthcare Insurance Company  
185 Asylum St City Place  
Mail Route CT039-020B  
Hartford, CT 06103  
Email: [katarina\\_m\\_horyn@uhc.com](mailto:katarina_m_horyn@uhc.com)

Dear Ms. Horyn,

I am writing to you in response to your letter to me dated December 21, 2018 regarding the MaineGeneral Health MHDO Data Request Number 2018083001.

MHDO Data are obtained to fulfill MHDO's legislative mandate to create and maintain a useful, objective, reliable and comprehensive health information database that is used to improve the health of Maine citizens **and** to issue reports promoting public transparency of health care quality, outcomes, and costs. The MHDO is required by its governing statute, to make the data it collects publically available and accessible to the broadest extent consistent with the laws protecting individual privacy, and confidential information.

The primary use of the MHDO Data as defined in 90-590 CMR Chapter 120 Release of Data to the Public, is to produce meaningful analysis in pursuit of improved health and health care quality for Maine people. Acceptable uses of MHDO Data include, but are not limited to, study of health care costs, utilization, and outcomes; benchmarking; quality analysis; longitudinal research; other research; and administrative or planning purposes.

The MHDO has been releasing health care data to authorized users for over ten years. MHDO's authorized users include the largest and smallest health insurance companies in the state of Maine as well as the state's largest health care systems and smaller hospitals. To date, there is no evidence that the release of MHDO claims data has resulted in an anticompetitive market in the state of Maine. In fact the opposite, as stated by several of your competitors and health care entities, transparency is what fosters a competitive market.

I asked MaineGeneral to respond to the comments you made regarding their MHDO data request and the following is their response:

MaineGeneral is a comprehensive non-profit system with the mission of enhancing, every day, the health of the our patients, our families and our communities. MaineGeneral provides a range of health care services for people of all ages, in a variety of care settings. MaineGeneral's



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focus is on clinical excellence. MaineGeneral will sign the MHDO Data Use Agreement, and comply with its prohibitions on misuse of MHDO data including but not limited to its express prohibition of anti-competitive behavior like collusion.

In response to UnitedHealthcare's correspondence, MaineGeneral confirms that it has never been, nor will it ever be MaineGeneral's intent to cause harm, adverse effects, or anti-competitiveness as UnitedHealthcare suggests may occur in its comment letter to MDHO.

MaineGeneral is an independent health system and not a legally owned affiliate of any other health system in Maine. To be clear MaineGeneral and MaineHealth are two independent Health systems, MaineGeneral will be analyzing this data for its own use.

Likewise MaineGeneral's request does not have the potential to harm the healthcare marketplace in Maine. The MHDO data requested can be requested, purchased, and used by most industry stakeholders in Maine. The use of this type of data to analyze and improve Patient outcomes is consistent with MHDO allowed uses and does not harm the healthcare marketplace.

MaineGeneral is requesting the "minimum necessary" data. MaineGeneral's Data Request is intended to be used only for the following purposes: study health care costs, analyze utilization and patient outcomes, benchmarking, patient quality analysis, longitudinal research and administrative planning purposes. Specifically, MaineGeneral plans to:

- Develop an assessment of aggregated service utilization and cost variation by hospital service area to enable MaineGeneral to prudently monitor and assess its effectiveness at managing care delivery and reducing the cost of healthcare to patients. The data is instrumental in enabling MaineGeneral to continuously measure its effectiveness at delivering high value health care across the entire community it serves. This analysis requires patient zip codes so that patients may be assigned to hospital service areas.
- Gain better understanding of service utilization patterns throughout MaineGeneral's service area so that the system can continuously improve its ability to deliver quality healthcare and better manage population health. These analyses include examining the distance that patients travel to receive various types of care which requires provider identifiable data.
- Assist the MaineGeneral Accountable Care Organization with understanding broader utilization and cost variation patterns beyond its own attributed population for the purpose of performance assessment and improvement. This broader analysis will be augmented by the detailed claims data currently provided by our payer partners specific to our attributed patient populations.
- Segment data by Medicare, MaineCare, and Commercial enrollees to understand and address differences in patient populations.
- Study the intensity of healthcare delivery and utilization for Patients related to:
  - Hospice

- End of life
  - Episodes of Care
  - Acute Care
  - Post-Acute Care
  - Integrated Health Care
  - Readmissions
  - Children's health care delivery
- Study the relationship between healthy behaviors, healthcare utilization, and outcomes.
  - Study the adoption of low dose CT scans for lung cancer screenings, mammography rates, and preventative services generally.
  - Study the relationship between small area economic indicators and health outcomes.
  - Study the effectiveness of MaineGeneral Commercial Payor Quality programs aimed at improving quality care and identifying medically necessary care gaps for patients.

To be clear, MaineGeneral's intent is to use the MHDO data to improve the health and healthcare of patients and populations that MaineGeneral serves not for anti-competitive reasons.

Note, there is a provision in 90-590 CMR Chapter 120 Release of Data to the Public and in the MHDO Data Use Agreement, which all authorized data requestors and recipients are required to sign and comply with, that prohibits authorized MHDO data recipients from misusing MHDO data in any way that would violate law, including anti-competitive behaviors like collusion; and that the MHDO will report any such violation in the use of its data to the appropriate authorities.

Proprietary Data as defined in 90-590 CMR Chapter 120 Release of Data to the Public, is data that is submitted to the MHDO by a Data Provider which has not been made available to the public and is information that if made available to the public will directly result in the data provider being placed in a competitive economic disadvantage.

Based on the information provided above and the MHDO's interactions with MaineGeneral, I disagree with your assertion that MaineGeneral's receipt and intended use of MHDO data has the potential to harm the healthcare marketplace in Maine and have adverse effects on the residents of Maine with the receipt and use of payers' confidential and proprietary information. The MHDO claims data that you suggest is proprietary is publically reported on the MHDO's CompareMaine website as required by MHDO's governing statute 22 MRS §8712; and has been released to authorized MHDO data users for over ten years and as such is not proprietary data.

It is important to reiterate that the MHDO's standard data release structure anonymizes all payer codes that appear in the claims and eligibility data. No payer name information is provided in the data that is released. Each distinct payer code has been replaced with an integer value such that all instances of a particular code receive the same replacement value. The integers used to replace the payer codes are randomly assigned so that the authorized MHDO data user cannot use the order of the integer values to impute the underlying payer codes. The authorized MHDO data user is given a table that, for each

integer value, identifies the payer as Commercial, Medicaid, or Medicare. Again, no specific payer name information is provided in the released data or in the table referenced above.

MHDO is allowed to release the paid data elements per the provisions in 90-590 CMR Chapter 120 Release of Data to the Public to approved data users which include hospitals, researchers, government and health plans; and has been doing so since 2003. There is no evidence that the release of claims data that includes payment data has resulted in an anticompetitive market. In fact quite the opposite, as previously mentioned above and stated by several of your competitors and hospitals, transparency helps fosters a competitive market.

After careful consideration of your concerns; MaineGeneral's comments in response to your concerns; a review of the health care transparency laws in the state of Maine, including the requirement that MHDO create and maintain a publically accessible website that includes the cost of healthcare procedures by payer and by facility; and the requirements in 90-590 CMR Chapter 120 Release of Data to the Public, I will be releasing the MHDO data as requested by MaineGeneral in data request number 2018083001. MHDO has no reason to believe, based on MHDO's current and historical experience with MaineGeneral as an authorized user of MHDO data, that their use of the MHDO data will cause harm, adverse effects or an anti-competitive market.

Pursuant to 90-590 CMR Chapter 120 Release of Data to the Public, either the data applicant or the data provider who comment on a data request application may appeal the decision to the MHDO Data Release Subcommittee. Any such appeal must be filed in writing within ten business days after this electronic notification to the attention of the MHDO Executive Director. Any such appeal must be received at MHDO either through e-mail at [Karynlee.harrington@maine.gov](mailto:Karynlee.harrington@maine.gov) or other mail or delivery before the close of business (5pm) on the tenth business day.

Assuming the data applicant meets all the requirements of data release, I intend to release the data requested in response to data request number 2018083001, after February 19th, 2019, unless any of the notified participants file an appeal to the MHDO Data Release Subcommittee. If any participant files such an appeal, all parties will be notified electronically by MHDO.

Sincerely,  
*Karynlee Harrington*  
Karynlee Harrington