

APCD Model Legislation

Overview

By Lucy C. Hodder

Lucy.hodder@unh.edu

Professor of Law, UNH School of Law

Director of Health Policy and Practice Programs

Institute for Health Policy and Practice

January 13, 2015

Title!

- I. Title. Establishing an All Payer Claims Database in the State

Intent

- II. Intent. It is the intent of the legislature that uniform systems of reporting health care information be established through the development of an all payer claims database program and that all providers and health care payers who are required to submit health information do so in a manner consistent with the program.

Purpose

- III. Purpose. The APCD program authorized by [this chapter] shall make available timely and transparent information about health care quality, use, availability, and cost to consumers, researchers, communities, businesses, policy makers, providers, and payers so that they can make sound, economical, and medically appropriate decisions about health care coverage, benefits, and services in order to reduce the overall cost of health care to this state.

Other Purposes....

- Improve the accessibility, adequacy, and affordability of patient health care and health care coverage through the review and dissemination of data.
- Determine state health care needs and inform state health planning.
- Evaluate the effectiveness of certain programs and services on improving patient outcomes.
- Review costs among various treatment settings, providers, and modalities.
- Provide publicly available and credible data regarding provider outcomes as they related to quality of care.
- Help businesses choose products for employees with information based on cost and quality.
- Support providers in the development of quality improvement initiatives.
- Inform the evaluation of payment reform options and provider integration efforts and their impact on cost and quality.
- Allow for targeted population health initiatives.
- Support research in the area of health cost, quality, and accessibility.

Supervising Agency

- IV. Supervising Agency. The department [of _____] shall develop, implement, and administer an APCD program consistent with this [chapter] and may enter into such agreements with other agencies as are necessary to administer and enforce the requirements of this chapter.

Advisory Body

- V. Advisory Body. An advisory committee shall be established to advise the department in its operation of the APCD program and ensure the integrity and privacy of the program operations. The advisory committee shall include at least [9] but no more than [19] members designated by the [commissioner with the approval of _____]. Such members shall have experience individually or collectively in the following areas:
- [medical] [hospital] [pharmacy] [Federally Qualified Health Center] [mental health/substance use disorder] [dental] [nursing] [ambulatory surgical care] [public health] [small employer] [large employer] [insurance carrier – non-profit/for-profit] [Medicaid managed care organization] [third party administrator] [consumer advocate] [academic] [data collection and storage] [legal] [state government- executive branch] [state government – legislative branch]

Privacy

- VI. Privacy. The department shall develop and implement procedures to safeguard the integrity and confidentiality of any data collected, maintained, and reported by the APCD program as may be required by applicable state and federal laws and regulations governing the privacy and security of private health information. The health care information collected and maintained by the APCD program shall be considered confidential and shall be exempt from disclosure by law. Notwithstanding any law to the contrary, the health care information published pursuant to the APCD program shall not include any [individually identifiable health information].

Data Reporting/Submission

- VII. Data Reporting/Submission. All [entities offering or administering a health benefit reimbursement program] in the state shall register with the department in accordance with rules adopted by the department. All [entities offering or administering a health benefit reimbursement program in the state] shall submit electronic claims to the department in the format prescribed by rules adopted by the department. Any [entity offering or administering a health benefit reimbursement program in the state] that fails to comply with the requirements [of this chapter] may be assessed a [civil penalty]. In addition, the department may bring injunctive action [in superior court] to enforce the provisions of this chapter.

Rulemaking

- VIII. Rulemaking. The department is authorized to adopt rules and regulations [pursuant to the state's administrative procedures act] to carry out the purposes of this chapter. Such rules and regulations shall include:
 - Criteria defining entities subject to mandatory submission of claims;
 - Description of the data sets to be included in the APCD program;
 - Criteria and procedures for the development of any limited-use data sets for the APCD program;
 - Criteria and procedures for the submission of claims data, eligibility data, provider files and other information necessary to create an APCD;
 - Policies and procedures necessary to maintain the confidentiality and integrity of data submitted;
 - Subjects for timely and public reporting by the APCD program of information to meet the intent and purpose of this statute and the public need for information
 - Accessibility and use of data by third parties;
 - Procedures for proposing and funding public reports based on system data review;
 - Penalties for failure to comply with registration and data submission obligations under this chapter; and
 - Fees to be charged for activities performed by the department hereunder.
- The department shall be authorized to enter into such contracts as are necessary to implement the provisions [of this chapter]. The department shall cooperate with [other agencies] in the development of rules and contracts hereunder.

Funding

- IX. Funding. There is hereby established a State APCD Trust Fund which shall be accounted for distinctly and separately from all other funds and shall be a [non-]interest bearing. The state APCD Trust Fund shall be administered by the [commissioner of the department of _____] and shall be used solely to support the establishment and maintenance of the APCD program and the purposes of this chapter. All moneys in the State APCD Trust Fund shall be non-lapsing and shall be continually appropriated to the commissioner for the purposes of the State APCD Trust Fund. Monies paid into the State APCD Trust Fund shall include fees and penalties collected hereunder, funds received from the federal government, funds appropriated by the legislature, all other payments, gifts, grants, bequests or income from any source for the purpose of the APCD program.

Public Data Reporting

- X. Public Data Reporting. The APCD Advisory Committee shall report to the governor and legislature on or before [_____ of each year] on the status of implementing the APCD program and any recommendations for statutory or regulatory changes that would advance the purposes of this chapter. The APCD program shall ensure that the public receives timely reports sufficient to inform on health care quality, outcomes, disparities, cost of services, utilization, and pricing in the state and relevant communities consistent with the purposes of this chapter.