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NOTICE OF PUBLIC MEETING: HEALTHCARE PAYMENTS DATA PROGRAM DATA RELEASE COMMITTEE

March 7, 2023
APPROVED MEETING MINUTES

Members Attending: Janet Coffman, Professor, Institute for Health Policy Studies; Larry deGhetaldi, Vice President Government Medical Affairs; Miranda Dietz, Project Director, California Simulation of Insurance Markets microsimulation model (CalSIM); Cora Han, Chief Data Officer; Jan Hanley, Director of Research Programming; Terry Hill, Physician Consultant, Researcher, Writer; Koh Kerdsri, Vice President, Risk Adjustment Operations, Compliance & IT; Nuriel Moghavem, Clinical Instructor of Neurology; Daniel Ruiz, Vice President, Operations Quality.

Presenters: Michael Valle, Chief Information Officer, and Deputy Director, HCAI; Merry Holliday-Hanson, Research Scientist Supervisor, HCAI; Chris Krawczyk, Chief Analytics Officer, HCAI; James Yi, Attorney, HCAI; Jill Yegian, HPD Consultant, HCAI

Public Attendance: 80

Agenda Item I: Welcome and Meeting Minutes

Nuriel Moghavem, Data Release Committee (DRC) Chair

Nuriel Moghavem, DRC Chair, welcomed the committee and members of the public. The committee members conducted a roll call, and the chair reviewed the virtual meeting ground rules.

The committee reviewed and approved the meeting minutes from the January 10th, 2023, DRC Meeting. The motion was made by Terry Hill and seconded by Janet Coffman.

The following eight members approved the motion: Janet Coffman, Larry deGhetaldi, Miranda Dietz, Jan Hanley, Terry Hill, Koh Kerdsri, Nuriel Moghavem, and Daniel Ruiz.

Cora Han was absent from voting.

Questions and comments from the committee:

The committee complimented the quality of the minutes.

Public comment:

There was no public comment.

Agenda Item II: Program Updates & January Meeting Recap

*Michael Valle, Chief Information Officer, and Deputy Director, HCAI
Nuriel Moghavem, DRC Chair*

The chair provided a brief overview of the topics discussed at the January meeting, such as the key HPD data elements, data access and release regulations, confidential and non-confidential datasets, data access methods, and HPD data uses.

The chair also discussed the follow-up items presented at the January meeting and communicated to the committee that some of these items will be discussed at the March meeting, while others have been calendared for a future DRC meeting.

Michael Valle, HCAI Chief Information Officer and Deputy Director, set the framing for the day by reviewing the DRC's role and sharing information on the existing security controls HCAI has in place to support the HPD System. He also shared a proposed timeline of anticipated topics for future Data Release Committee meetings.

Questions and comments from the committee:

The committee expressed gratitude regarding the completeness of presentation materials and noted their eagerness for the September meeting where data quality and completeness will be discussed. The chair reminded the committee that Form 700, for financial disclosure, is due on April 3rd.

Public comment:

There was no public comment.

Agenda Item III. Considerations for Release of HPD Data

Chris Krawczyk, Research Scientist Manager, HCAI

Chris Krawczyk, Research Scientist Manager, HCAI, reviewed the objectives of HPD statute and program as well as the considerations for the DRC in advising HCAI on matters of data release.

Questions and comments from the committee:

Committee members commented that in addition to considering the importance of protecting patient privacy, physicians' identification, especially for those who provide gender affirming care and reproductive health services, should also be accounted for.

The committee also discussed the criteria the DRC would be assessing when data is being accessed via direct transmission or the enclave, including security; information about the environment where the data would be housed; the requestor's organization; their experience in handling confidential information on their network; their experience in de-identifying products; and any prior history of data breaches. HCAI will also be looking for feedback from the DRC to determine additional considerations.

The committee ask about the computing performance of the enclave. HCAI noted that the initial offerings of the enclave will also be following a "crawl, walk, run" approach and the functionality and performance will increase over time. The committee commended the "crawl, walk, run" approach to help build trust and credibility for the program.

The committee asked about how state agencies would receive access to data and the security requirements for them. HCAI informed the committee that state agencies will not use the same process as non-state requestors and that state agencies must adhere to the same security requirements as HCAI.

The committee noted it would be helpful to receive more information about what the criteria would be for requests where DRC approval is not required, but requested, and HCAI noted that the department is creating instructional materials. Feedback from the DRC is needed in the development of the policies and procedures for this process.

The committee noted that HCAI has been successfully managing and releasing financial information for 25 years, which provides a successful starting point off which to launch the HPD data release.

Public comment:

There was no public comment.

Agenda Item IV: Personal Identifiable Information (PII) and Privacy

Merry Holliday-Hanson, Research Scientist Supervisor, HCAI

Merry Holliday-Hanson, Research Scientist Supervisor, HCAI, presented on the data access framework levels, risk of reidentification at each level, and the California Health and Human Services Agency (CalHHS) Data Deidentification Guidelines (DDG).

Questions and comments from the committee

The committee asked where their input would be helpful in the process and were informed that HCAI may need the DRC to weigh in on circumstances involving sensitive conditions and vulnerable populations.

Public comment:

There was no public comment.

Agenda Item V: Entity and Financial Information

James Yi, Attorney, HCAI

Jill Yegian, HPD Consultant, HCAI

James Yi, Attorney, HCAI and Jill Yegian, HPD Consultant, HCAI, discussed considerations related to Entity and Financial Information (EFI) including legal issues, anti-trust, and other considerations of market competition as well as the value of EFI to analyzing health care costs. They gave an overview of common themes in state APCD approaches to access and release of payment and provider information.

Questions and comments from the committee:

The committee asked about the opportunity to analyze Medi-Cal and Medicare payments across the delivery system to better understand the possibility of cost shifts affecting the marketplace in California. The committee was informed that HPD is collecting data across market segments, from Medicare fee for service, Medicare Advantage, Medi-Cal, and commercial, and it will take time to vet the quality of the data and work through all the issues that may arise with the data.

The committee noted that while concerns around potential for anticompetitive behavior should be considered, the role of HPD is to increase transparency in the California marketplace, and the DRC is not responsible for antitrust enforcement. They noted that the background materials provided by Jamie King at UC Hastings stated that the data may even assist with enforcement and increased transparency can be procompetitive and may show where collusion is already taking place. They further acknowledged that increased transparency can be procompetitive and may show where collusion is already taking place. The committee requested that Jamie King be invited to present at a future DRC meeting.

The committee commented that, at a minimum, the DRC should track federal guidance regarding transparency. Members noted that if there is EFI that federal law already compels health plans and providers to release, then the DRC should follow that standard.

The committee noted it is important to both protect access as well as promote price transparency, especially in disadvantaged regions where sole hospital providers may be at risk of closing.

The committee made note that the statute that establishes the HPD describes the intent of the database is to reduce disparities and advance healthcare coverage, reduce health care costs, conduct oversight of the healthcare system and healthcare companies, and provide a public benefit for Californians while preserving consumer privacy. Because there is not a carve out for concern about corporate privacy, but rather to improve oversight of the healthcare system and healthcare companies, the DRC should trend towards maximizing transparency. The committee requested to see

example from other states where maximal information has been disclosed, especially geographically.

Public comment:

There was no public comment.

Agenda Item VI. Sensitive Conditions and Vulnerable Populations

Merry Holliday-Hanson, Research Scientist Supervisor, HCAI

Merry Holliday-Hanson, Research Scientist Supervisor, HCAI, discussed considerations related to sensitive data including sensitive conditions and vulnerable populations and provided an overview of common themes in state APCD approaches to access and release of such sensitive information.

Questions and comments from the committee:

The committee clarified that the data that may include contents of sensitive conditions and vulnerable populations will be aggregated for release using the DDG. The committee inquired about if there is a reason to be even more conservative than the DDG. The committee commented that it is important to understand who the requestor is, and their intent is for using the data when making determinations on the release of data, especially if there is a request that includes identifying providers who are providing care around sensitive conditions.

The committee was informed that both de-identification requirements, as well as the design for what data is included in both standard limited and custom limited datasets, will provide important safeguards. The committee discussed the option of developing standard datasets specifically designed for sensitive conditions and vulnerable populations. The committee further discussed creating specific standard datasets for important healthcare topics worthy of research. It was recommended by the committee that requests involving sensitive conditions and vulnerable populations be prioritized for review.

The committee remarked that race and ethnicity groups with small populations, such as Native Americans, may fall into the groups with small cell sizes that need to be masked; however, it should be considered how that data does not get erased. Lastly, the committee commented that it is critical to ensure all users, including other state departments, have adequate security safeguards, especially when considering release of sensitive conditions.

Public comment:

There was no public comment.

Agenda Item VII: Next Meeting Topics and Discussion

Nuriel Moghavem, DRC Chair

Nuriel Moghavem, DRC Chair, provided a preview of the May DRC meeting agenda.

Topics for the May meeting include:

- Discussion of various roles and responsibilities during the data release process
 - HCAI's Role
 - DRC's Role
 - Non-HCAI reviewers' (i.e., the California Committee for the Protection of Human Subjects and Department of Health Care Services) role
- Role of the DRC in serving as a public forum for data release activities

The May meeting will be held on May 2 from 9:00 a.m. – 1:00 p.m. and will be fully virtual via Microsoft Teams.

Questions and comments from the committee:

There were no questions or comments from the committee.

Public comment:

There was no public comment.

Agenda Item VIII: Public Comment for Items Not on the Agenda

Nuriel Moghavem, DRC Chair

There was no public comment.

The meeting adjourned at 11:39 a.m.