

Sunset Public Hearing Questions for
Tennessee Health Information Committee
Created by Section 56-2-125, *Tennessee Code Annotated*
(Sunset termination June 2015)

1. Provide a brief introduction to the committee, including information about its purpose, statutory duties, staff, and administrative attachment. *TCA 56-2-125 calls for the establishment of a Tennessee health information committee to advise the Commissioner of Finance and Administration regarding matters related to the all payer claims database. The public release of any reports derived from the all payer claims database requires a two-thirds affirmative vote of the committee. The committee is chaired by the Commissioner of Finance and Administration or his designee and is attached to the Department of Finance and Administration for administrative purposes.*
2. Provide a list of current members of the committee. For each member please indicate who appointed the member, how the member's presence on the committee complies with Section 56-2-125(c)(7), *Tennessee Code Annotated*, and the member's county of principal residence. Please indicate each member's race and gender and which members, if any, are 60 years of age or older. Are there any vacancies on the committee? If so, what is being done to fill those vacancies? *TCA 56-2-125 became law in 2009. It called for the creation the all payer claims database and the associated Tennessee health information committee. The committee was formed in 2009 and advised the commissioner as the all payer claims database was created, rules for data submission by insurers were developed and implemented and insurers began reporting data into the database. The committee met for the last time in early 2011. There are no current members.*

Also in 2011, the Commissioner of Finance and Administration transferred oversight of the all payer claims database to new leadership within F&A with an expectation that an evaluation of the program approach to date would be undertaken and modifications made, as necessary. In late 2011, it was determined that changes were needed in the data collection process and that an RFP would need to be issued in order to identify a new vendor to perform the data collection. The contract with the original data collection vendor terminated on November 30, 2011 and data collection was put on hold pending development of a process that would address the deficiencies identified in the original process and selection of a new vendor through a competitive bid. A new vendor, Truven, was selected in November 1, 2013¹ and has begun the process to rebuild the database. A planned next step is to reconstitute the health information committee in accordance with the requirements set out in TCA².

3. How many times did the committee meet in fiscal year 2013 and to date for 2014, and how many members were present at each meeting? *The committee did not meet in 2013*

¹ In the time span between contracts, prior to the RFP resulting in the Truven contract, there was an unsuccessful RFP process.

² Following establishment of the database, the committee's primary role pertained to approving the release of reports from the database. Since there was no data coming into the database during the period from November 2011 – through early 2014, there was no perceived need for the committee.

or 2014. During this time an RFP was released to select a new vendor who was brought on board to manage data collection and the build out of a new/revised system.

4. Did the committee appoint any subcommittees as authorized at Section 56-2-125(c)(8), *Tennessee Code Annotated*? If so, please describe. **There are no subcommittees at this time.**
5. Is the committee subject to Sunshine law requirements (Section 8-44-101 et seq., *Tennessee Code Annotated*) for public notice of meetings, prompt and full recording of minutes, and public access to minutes? If so, what procedures does the committee have for informing the public of its meetings and making its minutes available to the public? **Yes, the committee is subject to the Open Meeting Act (found at Section 8-44-101 et seq.) because there is no express statutory exemption from the Open Meetings Act that would apply to the committee. Therefore, committee meetings will be noticed publicly, will be open to the public, and minutes will be recorded and made available to the public. However, as question 13 below points out, TCA 56-2-125(d)(2) specifically designates the database itself and any other information related to or derived from the database as confidential, not a public record, and not open for public inspection. Therefore, it is contemplated that any review, discussion, and/or approval of any information that is designated by the statute as confidential will take place in an executive session and will not be open to the public.**

Advance notice of committee meetings that is reasonable and adequate based on the circumstances will be published on the Department of Finance and Administration's website. The meeting minutes will also be published on the Department of Finance and Administration's website within a reasonable time following each meeting. The notice for any meeting in which confidential information will be discussed will include notice of executive session, and any meeting minutes from a meeting in which the Committee goes into executive session to discuss confidential information will notate such executive session.

6. What per diem or travel reimbursement do committee members receive? How much was paid to committee members during fiscal year 2013 and to date for 2014? **N/A.**
7. What were the committee's revenues (by source) and expenditures (by object) for fiscal year 2013 and to date for 2014? Does the committee carry a fund balance and, if so, what is the total of that fund balance? If expenditures exceeded revenues, and the committee does not carry a fund balance, what was the source of the revenue for the excess expenditures? **N/A.**
8. How does the committee ensure that its members and staff are operating in an impartial manner and that there are no conflicts of interest? If the committee operates under a formal conflict of interest policy, please attach a copy of that policy. **The agency has not created a conflict of interest policy by which committee members must abide because we believe it would be an overreach by the executive branch of government to do so. TCA 56-2-125(7) specifically designates certain state employees and individuals from certain statewide industries or professional associations to serve as committee members. Given the statutory purposes of the committee, it is clear that the General Assembly intended to have committee members bring the perspectives of their respective organizations to the**

committee's deliberations and decision-making process. Consequently, the agency believes it is inappropriate for it to interpose a conflicts of interest policy on committee members because it could undermine the General Assembly's intent when it enumerated the organizations from which the committee members were to be chosen.

9. What were the committee's major accomplishments during fiscal year 2013 and to date for 2014? Specifically, how has the committee addressed the duties set out for the committee in Sections 56-2-125(c)(1) through (5), *Tennessee Code Annotated*? **N/A.**
10. Has the committee set goals and measured its performance compared to the goals? What performance indicators or goals does management use to measure the effectiveness and efficiency of the committee? How well has the committee performed based on those performance indicators? **N/A.**
11. What actions has the committee taken to safeguard individually identifiable health information as required by the Health Insurance Portability and Accountability Act of 1996 (HIPPA)? **All data in the all payer claims database is de-identified.**
12. Have rules been promulgated as authorized at Section 56-2-125(h), *Tennessee Code Annotated*? If so, please cite the reference. What role did the committee take in promulgating these rules? **Yes, rules were promulgated by the Department of Commerce and Insurance at 0780-01-79. The committee was involved in the development of the rules.**
13. Section 56-2-125(d)(2)(A), *Tennessee Code Annotated*, provides that essentially all information contained within the database (described as "the all payer claims database, summaries, source or draft information used to construct or populate the all payer claims database, patient level claims data, reports derived from the all payer claims database...") is not to be considered a public record and open to the public but creates a means of releasing reports "authorized by the Tennessee Health Information Committee." Have any such reports been released? If so, please describe. **To the best of our knowledge, no such reports have been released.**
14. Describe any items related to the committee that require legislative attention and your proposed legislative changes. **N/A.**
15. Should the committee be continued? To what extent and in what ways would the absence of the committee affect the public health, safety, or welfare? **Per TCA 56-2-125, public release of any report derived from the all payer claims database requires a 2/3 affirmative vote of the health information committee. Given that the all payer claims database is in the process of being rebuilt, the reestablishment and continuance of the committee will be necessary in order for any public reporting to take place.**
16. Please list all committee or database project programs or activities that receive federal financial assistance and, therefore are required to comply with Title VI of the Civil Rights Act of 1964. Include the amount of federal funding received by program/activity. **No federal financial assistance is received.**

17. If the committee or database project does receive federal assistance, please answer questions 17 through 24. If the committee or database project does not receive federal assistance, proceed directly to question 23.

18. Does your committee or database project prepare a Title VI plan? If yes, please provide a copy of the most recent plan.

19. Does your committee or database project have a Title VI coordinator? If yes, please provide the Title VI coordinator's name and phone number and a brief description of his/her duties. If not, provide the name and phone number of the person responsible for dealing with Title VI issues.

20. To which state or federal agency (if any) does your committee or database project report concerning Title VI? Please describe the information your committee or database project submits to the state or federal government and/or provide a copy of the most recent report submitted.

21. Describe your committee or database project's actions to ensure that committee or database project staff and clients/program participants understand the requirements of Title VI.

22. Describe your committee or database project's actions to ensure it is meeting Title VI requirements. Specifically, describe any committee or database project monitoring or tracking activities related to Title VI, and how frequently these activities occur.

23. Please describe the committee or database project's procedures for handling Title VI complaints. Has your committee or database project received any Title VI-related complaints during the past two years? If yes, please describe each complaint, how each complaint was investigated, and how each complaint was resolved (or, if not yet resolved, the complaint's current status).

24. Please provide a breakdown of current committee or database project staff by title, ethnicity, and gender. Database staff are employed through the OIR Pro contract as follows:

William "Bill" Cisco, Project Manager, White male

May Borck, Systems Analyst, White female

Rajesh Kannan, Database Administrator, Asian male

25. Please list all committee or database project contracts, detailing each contractor, the services provided, the amount of the contract, and the ethnicity of the contractor/business owner. A contract was awarded to the Truven Health Analytics Corporation, after a request for proposal was issued in July 2013. The work is oriented around the requirements found in TCA 56-2-125. The services noted in the proposal consist of: (a) annual registration of insurance carriers, (b) collection and processing of insurance carrier data, (c) data conversion and testing activities, and (d) project management, operations and security activities associated with the data collected for the all payer claims project. The amount of the contract is \$2.94M, for a four (4) year period, starting with fiscal year 2013, proceeding through to fiscal year 2017. Truven is a woman-owned company.