

Title 10 DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subtitle 37 HEALTH SERVICES COST REVIEW COMMISSION

Chapter 07 Health Information Exchange Data

**Authority: Health-General Article, §§19-143, 19-207, 19-212, 19-215, and 19-216,
Annotated Code of Maryland**

NOTICE OF PROPOSED REGULATION

The Health Services Cost Review Commission proposes to adopt new Regulations **.01- .07** under a new chapter, **COMAR 10.37.07 Health Information Exchange Data**. This action was considered and approved for promulgation by the Commission at a previously announced open meeting held on April 15, 2011, notice of which was given pursuant to State Government Article, § 10-506(c), Annotated Code of Maryland. If adopted, the proposed new regulations will become effective on or about August 8, 2011.

Statement of Purpose

The purpose of this action is to enable the Commission to fully measure and compare hospital-specific performance on readmissions and to use the data to further enhance and strengthen the financial incentives linked with performance.

Comparison of Federal Standards

There are no corresponding federal standards to this proposed action.

Estimate of Economic Impact

See Attached.

Opportunity for Public Comment

Comments may be sent to Diana M. Kemp, Regulations Coordinator, Health Services Cost Review Commission, 4160 Patterson Avenue, Baltimore, Maryland 21215, or (410) 764-2576, or fax to (410) 358-6217, or email to dkemp@hscrc.state.md.us. The Health Services Cost Review Commission will consider comments on the proposed amendments until June 20, 2011. A hearing may be held at the discretion of the Commission.

.01 Purpose.

The purpose of these regulations is to enable the Commission to fully measure and compare hospital-specific performance on readmissions and to use the data to further enhance and strengthen the financial incentives linked with performance.

.02 Definitions.

A. *In this chapter, the following terms have the meanings indicated.*

B. *Terms Defined.*

(1) *“Health Services Cost Review Commission (Commission)” means the independent organization within the Department of Health and Mental Hygiene that is responsible for reviewing and approving the rates for hospitals pursuant to Health-General Article, §19-201 et seq., Annotated Code of Maryland.*

(2) *“Maryland Health Care Commission (MHCC)” means the agency established by Health-General Article, Title 19, Subtitle 2, Annotated Code of Maryland.*

(3) *“Health Information Exchange (HIE)” means an infrastructure that provides organizational and technical capabilities for the exchange of protected health information electronically among entities not under common ownership.*

(4) *“Master Patient Index (MPI)” means an electronic database, created by the State-Designated HIE that maintains a unique index (or identifier) for every individual who has been, or who becomes, registered as a patient at a Maryland hospital.*

(5) *“State-Designated HIE” means an HIE designated by the MHCC.*

.03 Hospital Participation.

Effective December 1, 2011, each hospital under the jurisdiction of the Commission shall electronically connect to the State-Designated HIE to enable the Commission to fully measure hospital-specific performance on readmissions using the HIE’s MPI.

.04 Method of Connection.

Each hospital shall establish connectivity with the State-Designated HIE over a secure and encrypted connection. This connectivity shall be established using industry standards specified by the State-Designated HIE.

.05 Collection and Submission of Master Patient Index Data.

Each hospital under the jurisdiction of the Commission shall collect and electronically submit to the State-Designated HIE the data elements as published in the “Maryland Register” and on the Commission’s website (<http://www.hscrc.state.md.us>). The format and data time period for submission shall also be published in the “Maryland Register” and on the Commission’s website.

.06 Privacy of Information.

Data submitted in accordance with this chapter are not public information pursuant to Health-General Article, § 19-207(d), Annotated Code of Maryland. The Commission will take reasonable steps to safeguard and protect the confidentiality of protected health information consistent with the Health Insurance Portability and Accountability Act of 1996 (HIPAA), the Maryland Confidentiality of Medical Records Act, and all other applicable State and federal laws and regulations.

.07 Summary Studies, Reports, Compilations.

Summary studies, reports, or other compilations developed by the Commission or its staff from the data submitted in accordance with this chapter shall be public information except that disclosure may not be made in such a way that the data furnished can lead to the identification of an individual.

.08 Corrections to Data.

The Commission shall prescribe on its website the process for a hospital to submit corrections and revisions to the data it has submitted.

.09 Required Report

Data submitted in accordance with this chapter shall be considered a required report under COMAR 10.37.01.03N.

FREDERICK W. PUDDESTER
Chairman
Health Services Cost Review Commission