

**Meeting Minutes**  
**November 17, 2016**  
**South Carolina Data Oversight Council Meeting**

**DOC Members Present**

Mr. Jimmy Walker, SCHA  
Dr. Shae Sutton, SCDHEC  
Mr. Brandt Smith, SCMA *via phone*  
Ms. Heather Tucker, SCDHHS  
Jay Wolfe, Governor's Office

**RFA Staff Present**

Chris Finney  
Wendy Cimino  
Sarah Crawford  
David Patterson  
Byron Kirby

The November 17, 2016 Data Oversight Council (DOC) meeting was called to order by Ms. Wendy Cimino at 3:01 p.m. Introductions were initiated by Ms. Cimino. She then presented the minutes from the August 18, 2016 DOC meeting. No corrections were made to the August 18, 2016 DOC meeting minutes. Mr. Jimmy Walker motioned that the minutes be approved. Ms. Heather Tucker seconded the motion. The August 18, 2016 DOC meeting minutes were approved.

The first topic of the meeting was the DOC Restructuring. Dr. David Patterson asked that the members review how the DOC is structured in order to make appointments more efficient and timely, and to reduce the size of the DOC. A document developed by the Revenue and Fiscal Affairs Office (RFA) was provided to the DOC highlighting RFA's restructuring ideas and recommendations. The Governor's Office has been briefed but the DOC will make the final determination. The Governor's Office is in support of the recommended changes. The function of the DOC would be the same; this would change the membership and make the recommendation process faster and cleaner. There needs to be further discussion and consideration of these changes and the stakeholders being considered for removal should be contacted for their questions and concerns. The hope is to revise the statute and streamline the process over the coming year to meet the filing deadline for the next State Fiscal Year. Once the DOC makes a recommendation, RFA staff will be tasked with moving this forward.

The second topic of the meeting was the Joint Annual Report (JAR) Financials Freedom of Information Act (FOIA) request. Dr. Patterson presented the background of the FOIA request RFA received from Nexsen Pruet, PLLC for JAR Financials and Annual Hospital Financial Data Report. The Statute materials (SC Code §44-6-170 and §44-6-175 and SC Regulations Chapter 19, Article 8 and 11) on this were provided to the DOC to help in the determination of the authority for release of this information. RFA believed that they could not release this information under FOIA but would need to present the request to the DOC for approval. A decision is needed from the DOC to determine if the release of the JAR and the Annual Hospital Financial Data Report are under the DOC's authority. On November 16, 2016, RFA received a subpoena from Nexsen Pruet compelling the release of this information by November 23, 2016 at 10 a.m. The subpoena included the reports for most hospitals in S.C. for 2010, 2011 and 2012. Mr. Byron Kirby provided additional details and background on the JAR and the Annual Hospital Financial Data Report to the DOC. To the recollection of RFA staff, the JAR has always been considered public and the Annual Hospital Financial Data Report has never been released in its entirety. RFA posed the questions: (1) Assuming the DOC will hold governance over the JAR and the Annual Hospital Financial Data Report, what is the DOC's position on the response to the subpoena? (2) What clarification can be achieved on the authority over these reports and to what extent do the statutes and regulations need to be revised? If it is decided to release this information, the DOC felt that as a courtesy the hospitals should be notified of the release of this data. Each of the members of the DOC asked to do their own individual research consulting their individual agency/entity legal staff and to have another call on Monday, November 21<sup>st</sup>, 2016 at 11 a.m. to discuss the final decision on this request. Mr. Walker

requested that the group be provided with a copy of the subpoena, including the list of the hospitals that would be affected.

The first application for the release of restricted data, submitted by Dr. Benjamin Druss, Director of the Center for Behavioral Health Policy Studies; Rosalynn Carter Chair in Mental Health Center for Behavioral Health Policy Studies, Emory University, was titled “Engaging Patients in Care (EPIC) / PCORI”. The researcher has obtained client consent. Dr. Shae Sutton motioned to approve this request. Ms. Tucker seconded the motion. The motion passed unanimously.

The second application for the release of restricted data, submitted by Bernadette Mariott, PhD, Professor with the Department of Medicine at the Medical University of South Carolina (MUSC), Division of Gastroenterology & Hepatology, Nutrition Center, was titled “Better Resiliency among Veterans and non-Veterans with Omega-3’s (BRAVO) Study”. The researcher has obtained client consent and will be passing those completed forms to RFA for verification prior to the release of the data. Mr. Walker motioned to approve this request. Mr. Wolfe seconded the motion. The motion passed unanimously.

The third application for the release of restricted data, submitted by Dr. Christine Turley, Chief Medical Officer Health Sciences South Carolina, was titled “South Carolina Surgical Quality Collaborative – Establishing a Baseline”. This was an amendment to the application that was approved at the May 19<sup>th</sup> DOC meeting. With this amendment, the researcher was requesting follow-up encounters for patients within a 30 day window following the surgical encounter, as well as total charges and charges by summary revenue codes. Ms. Tucker motioned to approve this application. Dr. Sutton seconded the motion. Since SCHA is backing this

project, Mr. Walker abstained from the vote; the remaining members of the DOC passed the motion to approve unanimously.

The fourth application for the release of restricted data, submitted by Dr. Darrell J. Gaskin, Director of the Johns Hopkins Center for Health Disparities Solutions, was titled “Measuring the impact of the Medicare Readmissions Reduction Program (HRRP) on the volume services hospitals provide to low-income and minority communities”. Dr. Sutton motioned to approve this application with recommended modifications. Mr. Walker seconded the motion. The motion passed unanimously with the following modifications recommended:

- ♦ RFA will restrict the pull of the cohort to those individuals with the six specified procedures (conditions): Acute myocardial infarction (MI), Pneumonia (PN), Heart Failure (HF), COPD, Total Hip Arthroplasty and Total Knee Arthroplasty. Please provide ICD-9 codes for these conditions.
- ♦ DOC requested that facility ID and zip code not be released. The files that have been indicated for linkage (American Hospital Association (AHA) data, Medicare Cost Report data, Census data, and Area Health Resource File (AHRF)) will be supplied to RFA, merged and the selected fields will be provided back to the researcher.
- ♦ RFA will provide spans for Admission and Discharge dates rather than the actual dates.
- ♦ In Section D Part II of the application, only one characteristic can be selected.
- ♦ If service counts are needed by zip code, this can be an aggregate request to RFA with small cell sizes restricted.

The fifth application for the release of restricted data, submitted by Dr. Jihong Liu and Dr. Janice Probst, University of South Carolina (USC) Arnold School of Public Health, was titled “Infant and maternal health outcomes associated with early-term elective deliveries in South Carolina”. Mr. Walker motioned to approve this application. Dr. Sutton seconded the motion. The motion passed unanimously.

The sixth application for the release of restricted data, submitted by Magdalena Cerda, D.Ph., MPH, University of California, Davis, was titled “Prescription drug monitoring programs and opioid-related harm (NIDA Grant R01DA040924)”. Dr. Sutton was concerned with the release of zip code due to the possibility of small cell sizes and the ability to identify an individual. RFA can provide aggregate numbers by zip code with small cell sizes masked. Ms. Tucker motioned to approve this application with a restriction that the release of zip code be denied. Mr. Wolfe seconded the motion. The motion passed unanimously with the release of the zip code field denied.

The final application for the release of restricted data, submitted by Dr. William R, Wyatt, Director of Research and Development, Quality Measures with Healthgrades, was titled “Hospital Risk Adjusted Mortality and Complications SC”. The DOC did not feel comfortable releasing data for this purpose without the backing of the hospitals in South Carolina. Because of this, Mr. Walker made a motion to deny this application. Dr. Sutton seconded the motion. The motion to deny passed unanimously.

Mr. Chris Finney requested to open up a topic for general discussion regarding Community Needs Agreements. He was contacted by TruVen who provides consulting for some of the hospitals in the state. TruVen has asked to be able to be supplied a copy of all of the specified data that has been supplied through the Community Needs Agreements. This would

allow them to receive data on more hospitals than they are currently consulting. The DOC felt that these requests should come directly from the facility serving the community and not the vendors that want to provide their service. This request was denied.

This concluded the November 17, 2016 DOC Meeting. Ms. Cimino presented the members with the 2017 DOC schedule and announced that the next DOC meeting is scheduled for February 16, 2017 at 3:00 p.m. This was Ms. Cimino's final DOC meeting as Mediator; Ms. Sarah Crawford will be taking over in 2017. The meeting was adjourned at 4:36 p.m. by Ms. Cimino.

**FOLLOW-UP:**

Upon contacting Magdalena Cerda and her researchers with the decision not to release zip code for their request, they provided additional clarification and reasoning for why zip code was needed. They modified the application to include more details for the need of the zip code field. The revised application was sent to the DOC members for approval. Heather Tucker, Jay Wolfe, Shae Sutton and Brandt Smith voted to approve the revised request.