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Via E-mail to
Kenneth.geter@state.nm.us

Kenneth Geter, Bureau Chief
Community & Health Systems Epidemiology Bureau
Epidemiology and Response Division
1190 S St. Francis Dr., Ste N1320
Santa Fe, NM 87505

Re: Comments on New Mexico Proposed Rule: 7.1.31 NMAC (Statewide Health Care Claims Database)

Dear Mr. Geter,

UnitedHealthcare, on behalf of itself and its affiliated companies, would like to take this opportunity to address the New Mexico Department of Health proposed adoption of rule 7.1.31 NMAC, concerning the establishment of a statewide all-payer claims database (“APCD”). We respectfully request your consideration of the following comments to the proposed rule.

Comments to §7.1.31.9 – Submission of Claims Data to Database:

Subsection (A): The rule should contain an exemption from the mandatory submission requirements for payers below a certain threshold level of membership. Such an exemption would align with the intent of both the statute and rule to collect data in a cost-efficient manner without creating an undue burden. APCDs across other states commonly provide submission exemptions for payers below a certain threshold membership level. For example, Delaware exempts payers with less than 1,000 members, Utah exempts payers with less than 2,500 members, and Rhode Island exempts members with less than 3,000 members. Other states have different threshold exemption levels.

Subsection (B)(5): Initial submissions to the database should not require more than 3 years of historical data. APCDs across other states have typically not required more than a 3 year look back period. Further, retrieving data beyond that length would be overly burdensome as such data has been archived and is no longer available in its original format. UnitedHealthcare estimates that it could take up to 2 years to retrieve and then format such data for submission. By the time of its submission, this data would provide only limited value and the time and expense spent providing the data would likely outweigh the benefits of submission. For these reasons we strongly recommend limiting historical data submissions to no more than the current and two previous calendar years.

Comments to §7.1.31.11 – General Provisions on Access to the Claims Database Data:

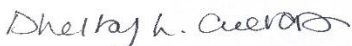
Subsection (C): The current proposed rule requires that requests for data be made to the Department of Health and that the Department convene a subcommittee to establish a more formalized data release process. Similar to other state APCDs the rule should add further requirements to this process, to include the

following: public posting of data release requests; notification of data requests to data submitters; and the opportunity for data submitters and the public to submit comments on data release requests for the consideration of the Department and the subcommittee.

Subsection (E): The current proposed rule provides a general, non-binding timeline of one month for the Department to fulfill data release requests. Although non-binding, such a timeline is likely insufficient to allow for notice and comment followed by consideration of the request by the Department and subcommittee. We recommend against including a specific timeline (even if aspirational) for fulfilling these requests until after the data release process is fully established.

Thank you for the opportunity to comment on New Mexico Proposed Rule 7.1.31 NMAC. Please let me know if you have any questions or desire further discussion on these matters.

Sincerely,


Shelby L. Cuevas
Associate General Counsel