
Via Electronic Mail

November 17, 2020

Craig T. Erickson, Esq.
Utton & Kery, P.A.
500 Tijeras Ave., NW
Albuquerque, NM 87102

Re: Rulemaking Hearing on 7.1.31 NMAC, Statewide Health Care Claims Database.

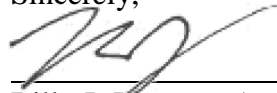
Dear Mr. Erickson:

Pursuant to NMSA 1978, § 9-7-6(E), I hereby appoint you to serve as the hearing officer to preside at the Department of Health's public hearing on January 6, 2021. This rulemaking hearing is scheduled for 9:30 a.m. and will be conducted via Cisco Webex online and via telephone, per the attached Notice of Public Hearing.

The hearing will be conducted to receive public comment regarding the proposed Statewide Health Care Claims Database. An exhibit binder will be provided to you prior to the date of the hearing.

Thank you for accepting this appointment.

Sincerely,



Billy J. Jimenez, Acting Cabinet Secretary

November 17, 2020

Date

Attachment as stated

cc: Joey Wright, Acting General Counsel

OFFICE OF THE SECRETARY

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NOTICE OF PUBLIC HEARING

The New Mexico Department of Health will hold a public hearing on the proposed adoption of rule, 7.1.31 NMAC, “Statewide Health Care Claims Database.” The public hearing will be held on January 6, 2021 at 9:30 am via Cisco Webex online, via telephone, and, comments will be received via email through the day of the hearing until 5:00 pm. The hearing is being held via internet, email and telephonic means due to the concerns surrounding Coronavirus and in accord with Governor Michelle Lujan Grisham’s Executive Order 2020-004, Declaration of a Public Health Emergency, and any subsequent executive orders, and the March 12, 2020 Public Health Emergency Order to Limit Mass Gatherings Due to COVID-19. This hearing will be conducted to receive public comment regarding the adoption of the proposed rule, 7.1.31 NMAC, concerning the creation and maintenance of a repository of healthcare claims data to be used to increase the quality and effectiveness of health care delivered in New Mexico. The adoption of the proposed rule will assist in making health care costs more transparent to the public; fulfilling the DOH’s legislative obligations in 24-14A-3, NMSA 1978, as part of the overall “Health Information System”, “created for the purpose of assisting the department, legislature and other agencies and organizations in the state’s efforts in collecting, analyzing and disseminating health information to assist: in the performance of health planning and policymaking functions, including identifying personnel, facility, education and other resource needs and allocating financial, personnel and other resources where appropriate; consumers in making informed decisions regarding health care; and in administering, monitoring and evaluating a statewide health plan.

By adopting this rule the Department proposes to establish a statewide all-payer claims database (“APCD”) to support transparent public reporting of health care information. An APCD is a repository of healthcare claims data that combines data from multiple payers, including Medicare, Medicaid, private insurers, dental insurers, children’s health insurance, self-insured employer plans, and pharmacy plans. An APCD for New Mexico would provide the opportunity to aggregate health care data including outpatient visit, pharmacy, cost, and other data, for dissemination to the public, researchers, and others for the purposes of improving health care planning, quality, and consumer choice. The database should improve transparency to: assist patients, providers, and hospitals to make informed choices about care; enable providers, hospitals, and communities to improve by benchmarking their performance against that of others by focusing on best practices, enable purchasers to identify value, build expectations into their purchasing strategy, and reward improvements over time; and promote competition based on quality and cost. The database will systematically collect all medical claims for covered medical services, pharmacy claims, dental claims, member eligibility and enrollment data, and provider data with necessary identifiers from private and public payers, with data from all settings of care that permit the systematic analysis of health care delivery.

The legal authority authorizing the proposed amendment of the rule by the Department is at Subsection E of Section 9-7-6, NMSA 1978 and the Health Information System Act, 24-14A-1 et seq. NMSA 1978. A free copy of the full text of the proposed rule can be obtained from the Department’s website at <https://nmhealth.org/publication/regulation/>.

Any interested member of the public may attend the hearing and offer public comments on the proposed rule during the hearing. To access the hearing by telephone: please call 1-408-418-9388. Your telephone comments will be recorded. To access the hearing via internet: please go to Webex.com; click the “Join” button; click the “Join a meeting” button; enter the following meeting number and password where indicated on screen—Meeting number (access code): 146 647 3114# Meeting password: aJNBXEPT674; click the “OK” button. You may also provide comment via Chat during the live streaming.

Written public comments may also be submitted to the mailing address shown below. Please submit any written comments regarding the proposed rule to the attention of:

Kenneth Geter, Bureau Chief
Community & Health Systems Epidemiology Bureau
Epidemiology and Response Division
New Mexico Department of Health
1190 S St. Francis Dr., Ste N1320
Santa Fe, NM 87505
Kenneth.Geter@state.nm.us
(505) 827-2694

Mailed written comments must be received by 5 pm MST on January 6, 2021. Written comments may also be submitted to the email address shown above through 5:00 pm MST on the date of the hearing. All written comments will be published on the agency website at <https://nmhealth.org/publication/regulation/> within 3 days of receipt, and will be available at the New Mexico Department of Health Office of General Counsel for public inspection.

If you are an individual with a disability who is in need of special assistance or accommodations to attend or participate in the hearing, please contact Sheila Apodaca by telephone at (505) 827-2997. The Department requests at least ten (10) days advance notice to provide requested special accommodations