

Colorado's All Payer Claims Database

FAQs for Self-Insured Employers



CENTER FOR IMPROVING
VALUE IN HEALTH CARE

What is the Colorado All Payer Claims Database (CO APCD)?

Created by legislation in 2010, and administered by the non-profit Center for Improving Value in Health Care (CIVHC), the CO APCD is Colorado's most comprehensive source of information for health care cost (actual payments), quality, utilization, and more. The secure database currently includes health insurance claims from over 40 commercial health insurance plans for individual, small group, and large group fully-insured lives, Medicare and Medicare Advantage, as well as Health First Colorado (Colorado's Medicaid Program). Claims in the CO APCD represent more than 70 percent of the insured population of Colorado.

Why is the CO APCD Important?

Our health care delivery system does not consistently deliver high-quality or cost-effective care. It is very difficult to identify where variation exists in Colorado's health care system and to find ways to improve quality, utilization and cost. The CO APCD fills those gaps by providing a more complete picture of health care spending and utilization across Colorado, helping identify trends, and allowing individuals, employers, communities and organizations to identify opportunities for improvement. There are currently 18 states with APCDs with similar goals of identifying opportunities and making meaningful change, and Colorado's APCD consistently receives national recognition for how it is managed and utilized for improvement.

Are Self-Insured Employers Required to Submit Data to the CO APCD?

As a result of the Supreme Court's *Gobeille* decision in 2016, ERISA-based self-insured employers are not required to submit to any APCD but may do so voluntarily. Non-ERISA self-insured employers are required by law to submit their health insurance claims information to the CO APCD.

Can ERISA Self-Insured Employers Submit Data to the CO APCD?

Yes. ERISA-based self-insured employers can elect to voluntarily submit their health insurance claim data in the CO APCD to identify opportunities for improvement. Approximately 25 percent of ERISA-based self-insured employers currently submit claims to the CO APCD.

How are Voluntary Submissions HIPAA Compliant?

CIVHC's ability to collect protected health information (PHI) from self-insured and other payers (i.e., HIPAA covered entities) without patient authorization is allowed through an important exception in the HIPAA regulations enabling a covered entity to disclose PHI to a public health authority, or its designate (see 45 CFR Section 164.512(b)). Through a contract with CIVHC as the administrator of the CO APCD, the Colorado Department of Health Care Policy and Financing (HCPF), designates CIVHC as a recipient of PHI through its public health authority, therefore the HIPAA Regulations also support voluntary CO APCD data submissions. The Colorado Attorney General's office supports this interpretation of the HIPAA Privacy Rule.

Why Should ERISA Self-Insured Employers Submit Claims in the CO APCD?

Self-insured claims represent a large portion of health care services provided in Colorado, and without them there is a significant gap when it comes to understanding Colorado's health care landscape and opportunities for positive change. With the addition of more self-insured claims, Colorado can pinpoint ways to drive down costs and improve the quality of care. Self-insured employers submitting their claims information can also access data and reports that can help them benchmark costs to other employers and payers to help them identify specific ways to save money on insurance payments and improve the health of their employees.

How is Privacy Protected Once I Submit Data to the CO APCD?

Data that payers submit to the CO APCD is encrypted, access-controlled and aggregated. The CO APCD is not like the electronic medical record your doctor keeps. No identified data is available in the public reports we provide. The Colorado APCD is compliant with HIPAA and HITECH. Protected data elements such as name, street address and Social Security number are removed and replaced with a unique identifier when data analysis occurs.

What Forms Do I Need to Complete to Submit Data to the CO APCD?

Forms can be found at civhc.org, or contact ColoradoAPCD@civhc.org for assistance.

1. **Complete Opt-in Form:** Submit the Voluntary Submission Opt-in Form to CIVHC, and we will share it with your TPA/ASO to let them know you wish to have your data submitted to the CO APCD. CIVHC will then share the form with your TPA/ASO.
2. **BAA with TPA/ASO:** Typically, self-insured employers have a HIPAA business associate agreement (BAA) in place with their TPA or ASO. Those agreements may already support CO APCD data submission by providing the TPA or ASO with appropriate authority to make disclosures required by law, or to a public health authority, on behalf of the plans they service. In the event that the agreement does not grant that authority, such authority can be readily granted by the employer by updating the BAA. Review your BAA or contact your TPA or ASO to ensure your agreement enables submission to the CO APCD.
3. **Complete Data Sharing Agreement with CIVHC (Optional):** Although it is optional and not required by HIPAA regulations or the CO APCD Statute or Rules, CIVHC also has a Data Sharing Agreement available for voluntary data contributors that clearly identifies CIVHC's role as the CO APCD Administrator and its public health authority designation, as well as its commitment to protecting and treating voluntary CO APCD data submissions in the same manner as it treats mandatory data submission. Please submit this form to CIVHC if you would like to have this agreement in place.

For questions, or to learn more, visit www.civhc.org or contact ColoradoAPCD@civhc.org.