

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 condition prevalence. 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 three quarters 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 variations exist in Colorado's health care system and to compare 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, communities and organizations to identify opportunities for improvement. There are currently 17 states with APCDs with similar goals to increase transparency and identify ways to reduce costs and improve care.

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

No. As a result of the Supreme Court's decision in *Gobeille v. Liberty Mutual Ins. Co.* (2016), ERISA-based employers are not required to submit data to state all payer claims databases, but may do so voluntarily. In Colorado, non-ERISA self-insured employers are required by state 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 plan's claim data to the CO APCD. Approximately 25 percent of self-insured employers currently submit claims.

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 predicated on important exceptions in the HIPAA regulations enabling a covered entity to disclose PHI where required by law (45 C.F.R. § 164.512(a)), for public health activities and purposes described in 45 C.F.R. 164.512(b), or for health oversight activities authorized by law (45 C.F.R. §164.512(d)). The Colorado Department of Health Care Policy and Financing (HCPF) has designated CIVHC as the Administrator of the CO APCD, and as such, CIVHC may collect health care data including PHI from different types of payors in order to oversee the collection and aggregation of data within the CO APCD to facilitate transparency about health care costs and to inform and advance the Triple Aim goals of better health, better care, and lower costs, in accordance with C.R.S. § 25.5-1-204. Accordingly, the public health activities and the health oversight activities exceptions in the HIPAA regulations allows voluntary submission of data by self-insured employers to the CO APCD. 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 proportion of processed claims in Colorado and the absence of such data in the CO APCD results in a significant gap in covered lives, thereby creating challenges to fully understanding Colorado's health care landscape and opportunities for positive change. Enhancing the database with self-insured claims information will help Colorado more accurately identify ways to drive down costs and improve the quality of care. Self-insured employers submitting their claims information can also access reports that benchmark their performance to other 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?

Colorado law requires CIVHC, as Administrator of the CO APCD, to comply with state and federal privacy laws, including HIPAA and HITECH. CIVHC takes all data privacy and security obligations extremely seriously. Data submitted to the CO APCD is encrypted, access-controlled and aggregated. The CO APCD is not like the electronic medical record your doctor keeps. No personally identifiable data is available in the public reports created by CIVHC, and all non-public releases of data are scrutinized by the [CO APCD's Data Release and Review Committee](#) and strictly managed to ensure compliance with state and federal law. Protected data elements, including 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?

1. **Step one, Complete Opt-in Form:** Submit (ColoradoAPCD@civhc.org) 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. **Step two, BAA with TPA/ASO:** Typically, self-insured employers have a HIPAA-compliant business associate agreement (BAA) in place with their TPA or ASO. Those agreements may already support voluntary CO APCD data submission by providing the TPA or ASO with authority to make disclosures required by law and for health oversight activities on behalf of the plans they service. In the event that the BAA does not already permit disclosure for public health or health oversight activities, such authority can be readily granted by the employer via a simple update to the permissible uses and disclosures section of the BAA. Please review your BAA or contact your TPA or ASO to ensure your agreement enables submission to the CO APCD. We have included some sample language below.
 - **Sample BAA Language:** *"Business Associate may disclose PHI to the Colorado All Payer Claims Database for the public health and health oversight activities authorized by Colorado law at C.R.S. § 25.5-1-204 and the regulations promulgated thereunder."*
3. **Step 3 (Optional), Complete Data Sharing Agreement with CIVHC:** 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 spells out CIVHC's 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.

The above information is not intended to convey or constitute legal advice. Please consult your legal counsel with specific questions.

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