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STATE OF VERMONT

Legislative Committee on Administrative Rules (LCAR)

MEMO TO: Representative William J. Lippert Jr., Chair, House Committee on Health Care
Senator Virginia "Ginny" Lyons, Chair, Senate Committee on Health and Welfare

FROM: Legislative Committee on Administrative Rules

DATE: January 6, 2022

SUBJECT: Concerns Related to the Green Mountain Care Board Data Submission Rule
(Rule 8.000) and Green Mountain Care Board Data Release Rule (Rule 9.000)

The Legislative Committee on Administrative Rules (LCAR) reviewed [Green Mountain Care Board Data Submission Rule \(Rule 8.000\)](#) and [Green Mountain Care Board Data Release Rule \(9.000\)](#) (collectively GMCB Data Rules) at LCAR's December 16, 2021, meeting. LCAR approved the GMCB Data Rules but has concerns about two related issues.

First, there is concern that one or more of the vendors that Green Mountain Care Board (GMCB) contracts with to collect and maintain the Vermont Health Care Uniform Reporting and Evaluation System data set (VHCURES) and the Vermont Uniform Hospital Discharges Data Set (VUHDDS) might enter into subcontracts with other vendors. While the GMCB Data Rules define and prescribe certain requirements on "data collection vendors" in the collection of data and permits the usage of a designated vendor in the release of data, the GMCB Data Rules themselves do not address subcontracting. According to the GMCB, instead of subcontracting being regulated by rule, a prohibition on subcontracting without the approval of the State is included as a provision in vendor contracts. *See* [Dec. 16, 2021, LCAR Meeting at 32:35–33:00](#) ("There is a subsection around subcontracting, and it says: 'the party shall not assign, subcontract, or subgrant the performance of this agreement, or any portion thereof, to any other party without the prior written approval of the State.'").

Second, there is concern that if a vendor that the GMCB contracts with goes out of business or is otherwise no longer involved with VHCURES or VUHDDS that data will not be preserved. The GMCB testified to LCAR that it is confident in its vendors and that existing contracts prescribe procedures for the secure transfer of data to a subsequent vendor or as requested by the State when necessary. *See* Dec. 16, 2021, LCAR Meeting at [24:45–29:15](#) and [34:05–35:00](#).

Accordingly, LCAR requests that the House Committee on Health Care and the Senate Committee on Health and Welfare review, during the 2022 legislative session, a prohibition on subcontracting by vendors involved with the maintenance of VHCURES and VUHDDS and protections to preserve data within VHCURES and VUHDDS.