



**To:** Commissioners

**From:** Mahlet Nigatu  
Chief, Center for Analysis and Information Systems

**Date:** November 18, 2021

**Re:** Recommendation for Final Regulations: COMAR 10.25.05, *Data Release*.

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### **Background**

Maryland Health Care Commission (MHCC) staff seeks Commission adoption of proposed final regulations under COMAR 10.25.05, *Data Release*, as final regulations, based on the following changes:

- Repeal existing regulations .01— .05 COMAR 10.25.05 Small Group Market Data Collection; and
- Adopt new regulations .01-.14 under a new chapter **COMAR 10.25.05** *Data Release*

The proposed final regulation expands the scope of data offered and the range of eligible data recipients. The regulation eliminates the requirement that data can only be released for traditional research uses. The regulation also eliminates the IRB review requirement and establishes a data release advisory committee (DRAC) to review data requests. In order to promote transparency of data request and data release process, the data request application will be posted on the Commission website for public comment. Another significant change addressed in this regulation is the authority of Executive director to make final decision on data requests and/or refer to a panel of three Commissioners or the full Commission under certain circumstances.

The new chapter COMAR 10.25.05 was approved by the Commission as proposed new regulations at the June 2021 Commission's public meeting, and was published in the *Maryland Register* for formal public comment on September 24, 2021 for a period of one month. Staff did not receive any comments on the proposed regulations, and there was no public hearing scheduled or held for COMAR 10.25.05.

## Staff Recommendation

Staff recommends Commission adoption of this new regulation COMAR 10.25.05, *Data Release* as final regulations with no additional changes.

