



North Carolina Department of Health and Human Services
Division of Health Service Regulation
Office of the Director

Pat McCrory
Governor

Aldona Z. Wos, M.D.
Ambassador (Ret.)
Secretary DHHS

Drexdal Pratt
Division Director

MINUTES OF PUBLIC HEARING
MAY 6, 2015
10:00 A.M.

Division Staff Present:

Nadine Pfeiffer, Rule-making Coordinator
Donnie Sides, OEMS
Diana Barbry, Division Office

Others Present:

Stephen W. Keene, General Counsel, North Carolina Medical Society
Jennifer Gasperini, Director of Health Policy, North Carolina Medical Society

1. Purpose of Hearing

The purpose of this public hearing was to solicit verbal and/or written comments from the public on the proposed amendments and rule adoptions for, 10A NCAC 13B .2101, .2102 and 10A NCAC 13C .0103, .0206, as published in the NC Register, Volume 29, Issue 18, issued on March 16, 2015.

2. Hearing Summary

The Public Hearing was opened by Nadine Pfeiffer at 10:00 a.m. Attending were representatives from the North Carolina Medical Society. A total of one oral comment was recorded and one written comment was also submitted. A summary of the oral comment is as follows:

- 1.) Stephen W. Keene, General Counsel, North Carolina Medical Society spoke in support of the Transparency rules, however he stated they had two concerns about the proposed rules. They do not believe that the fees being charged by the reporting agency have been authorized by the legislature or have been scrutinized enough to be adopted correctly by a rule by the Medical Care Commission. They are concerned that the fees being charged by Truven vary entity by entity and are a burden on the regulated community. It also forces unwilling partners to accept the fees. Mr. Keene also stated that there are statutory probations on agencies adopting or imposing a fee without legislative authority and the only exception is that the commission would need to adopt these fees by rule which has not been done. This is a complicated issue because many of these agencies were not subject to



<http://www.ncdhhs.gov/dhsr/>

Phone: 919-855-3750 / Fax: 919-733-2757

Location: 809 Ruggles Drive v Dorothea Dix Hospital Campus v Raleigh, N.C. 27603

Mailing Address: 2701 Mail Service Center • Raleigh, North Carolina 27699-2701

An Equal Opportunity / Affirmative Action Employer



the prior statutory requirements, and they think Truven should provide guidance to the public and the agency before a contract is signed. The agency should develop some guidance to the regulated community to answer questions on how to comply with the rules before requiring agencies to sign a Truven contract to get reliable data. He suggested the agency have guidance to providers on how to submit data, especially to those who do not sign a contract with Truven. Mr. Keen suggested the agency require Truven to provide the guidance and have the agency publish it.

These comments will be taken into consideration by the Agency. The hearing was adjourned at 10:25 a.m.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Nadine Pfeiffer".

Nadine Pfeiffer, Rule-making Coordinator

May 8, 2015