

**U.S. Department of Labor
Employee Benefits Security Administration
State All Payer Claims Databases Advisory Committee
Charter**

1. Official Designation

State All Payer Claims Databases Advisory Committee (SAPCDAC or Committee)

2. Authority

The Committee is mandated by section 735 of the Employee Retirement Income Security Act of 1974 (ERISA) as added by section 115(b) of the No Surprises Act, enacted as part of the Consolidated Appropriations Act, 2021, div. BB, tit. I, P.L. 116-260 (Dec. 27, 2020). The Committee is governed by the provisions of the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C. App. 2.

3. Objective and Scope of Activities

The Committee will advise the Secretary of Labor (Secretary) on the standardized reporting format for the voluntary reporting by group health plans to State All Payer Claims Databases, as well as guidance associated with the format. The Committee must submit a report that includes recommendations on the establishment of the format and guidance no later than 180 days after the date of enactment of the Consolidated Appropriations Act, 2021, with a due date of June 25, 2021.

4. Description of Duties

The Committee will advise the Secretary regarding the standardized reporting format for the voluntary reporting by group health plans to State All Payer Claims Databases. Reporting will include medical claims, pharmacy claims, dental claims, and eligibility and provider files collected from private and public payers. The Committee will also advise the Secretary on what guidance is necessary to provide to States on the process by which States may collect such data in the standardized reporting format.

The Committee must submit a report to the Secretary, the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Energy and Commerce and the Committee on Education and Labor of the House of Representatives that includes recommendations on the establishment of the format and guidance no later than 180 days from the date of enactment of the Consolidated Appropriations Act, 2021 (June 25, 2021).

5. Agency or Official to Whom the Committee Reports

The Committee reports to the Secretary.

6. Support

The Department of Labor, Employee Benefits Security Administration (EBSA) is responsible for providing necessary support for the Committee, to include coordination, management, and operational services, with or without reimbursement.

7. Estimated Annual Operating Costs and Staff Years

The estimated operating costs are approximately \$115,000, including one (1) staff year.

8. Designated Federal Officer

EBSA will select a permanent federal employee to serve as the Designated Federal Officer (DFO) to attend each Committee meeting and ensure that all procedures are within applicable statutory and regulatory directives. The DFO will approve and prepare all meeting agendas, call all of the Committee and subcommittee meetings, adjourn any meeting when the DFO determines adjournment to be in the public interest, and chair meetings when directed to do so by the Secretary. The DFO or the DFO's designee will be present at all meetings of the Committee and subcommittees.

9. Estimated Number and Frequency of Meetings

The Committee will meet at such intervals as are necessary to carry out its duties. Meetings are open to the public, except as determined otherwise by the Secretary, in accordance with the Government in the Sunshine Act (5 U.S.C. 552b(c)) and Section 10(d) of the FACA. Notice of Committee meetings will be published in the Federal Register.

10. Duration

In accordance with section 735(e) of the ERISA as added by section 115(b) of the No Surprises Act, enacted as part of the Consolidated Appropriations Act, 2021, the Committee will remain in existence from the time of its convention until it submits its report to the Secretary of Labor, the Senate Committee on Health, Education, Labor, and Pensions; the House Committee on Energy and Commerce, and the House Committee on Education and Labor.

11. Termination Date

The Committee will terminate the day the Committee submits its report.

12. Membership and Designation

The Committee will be composed of no more than 15 members as follows:

- (i) The Assistant Secretary of the Employee Benefits Security Administration of the Department of Labor, or a designee of such Assistant Secretary;

- (ii) The Assistant Secretary for Planning and Evaluation of the Department of Health and Human Services, or a designee of such Assistant Secretary;
- (iii) Seven members appointed by the Secretary, in coordination with the Secretary of Health and Human Services, including:
 - a. one member to serve as the chair of the Committee;
 - b. one representative of the Centers for Medicare & Medicaid Services;
 - c. one representative of the Agency for Healthcare Research and Quality;
 - d. one representative of the Office for Civil Rights of the Department of Health and Human Services with expertise in data privacy and security;
 - e. one representative of the National Center for Health Statistics;
 - f. one representative of the Office of the National Coordinator for Health Information Technology; and
 - g. one representative of a State All-Payer Claims Database;
- (iv) Six members appointed by the Comptroller General of the United States, including:
 - a. one representative of an employer that sponsors a group health plan;
 - b. one representative of an employee organization that sponsors a group health plan;
 - c. one academic researcher with expertise in health economics or health services research;
 - d. one consumer advocate; and
 - e. two additional members.

Members of the Committee must have distinguished themselves in fields of health services research, health economics, health informatics, data privacy and security, or the governance of State All Payer Claims Databases, or represent organizations likely to submit data to or use the database, including patients, employers, employee organizations that sponsor group health plans, health care providers, health insurance issuers, or third-party administrators of group health plans.

Except as otherwise required by law, the SAPCDAC membership will be consistent with the applicable FACA regulations. SAPCDAC membership will be fairly balanced. Members

will come from a cross-section of those directly affected, interested, and qualified as appropriate to the nature and functions of the SAPCDAC. The composition of the SAPCDAC will depend upon several factors, including (i) the SAPCDAC's mission; (ii) the geographic, ethnic, social, and economic impact of the SAPCDAC's recommendations; (iii) the types of specific perspectives required, for example, those of consumers, technical experts, the public at-large, academia, business, or other sectors; (iv) the need to obtain divergent points of view on the issues before the SAPCDAC; and (v) the relevance of state, local, or tribal governments to the development of the SAPCDAC's recommendations.

Federal members will serve as Regular Government Employees and non-federal members will serve as Special Government Employees. Each member is asked to serve as an individual and to exercise judgment in the best interests of the committee, and not to represent any special or parochial interests.

13. Subcommittees

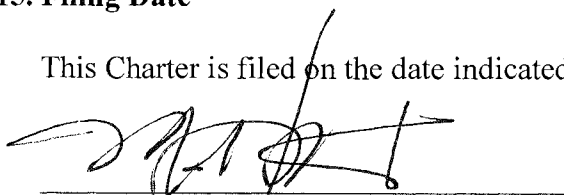
Subcommittees may be established with the approval of the Secretary or his designee. Subcommittees must report back to the parent committee, and must not provide advice or work products directly to the Secretary or his designee.

14. Recordkeeping

The records of the SAPCDAC, formally and informally established subcommittees, will be handled in accordance with General Records Schedule 6.2, Federal Advisory Committee Records, or other approved agency records disposition schedule. These records will be available for public inspection and copying subject to the Freedom of Information Act, 5 U.S.C. 552.

15. Filing Date

This Charter is filed on the date indicated below.



MILTON AL STEWART
Acting Secretary of Labor

FEB 17 2021

Date