

# Physician Measurement and Reporting: “Show Me the Data”

**Teleconference Briefing  
November 5 & 15, 2007**

Peter V. Lee

Co-Chair, Consumer-Purchaser Disclosure Project  
CEO, Pacific Business Group on Health

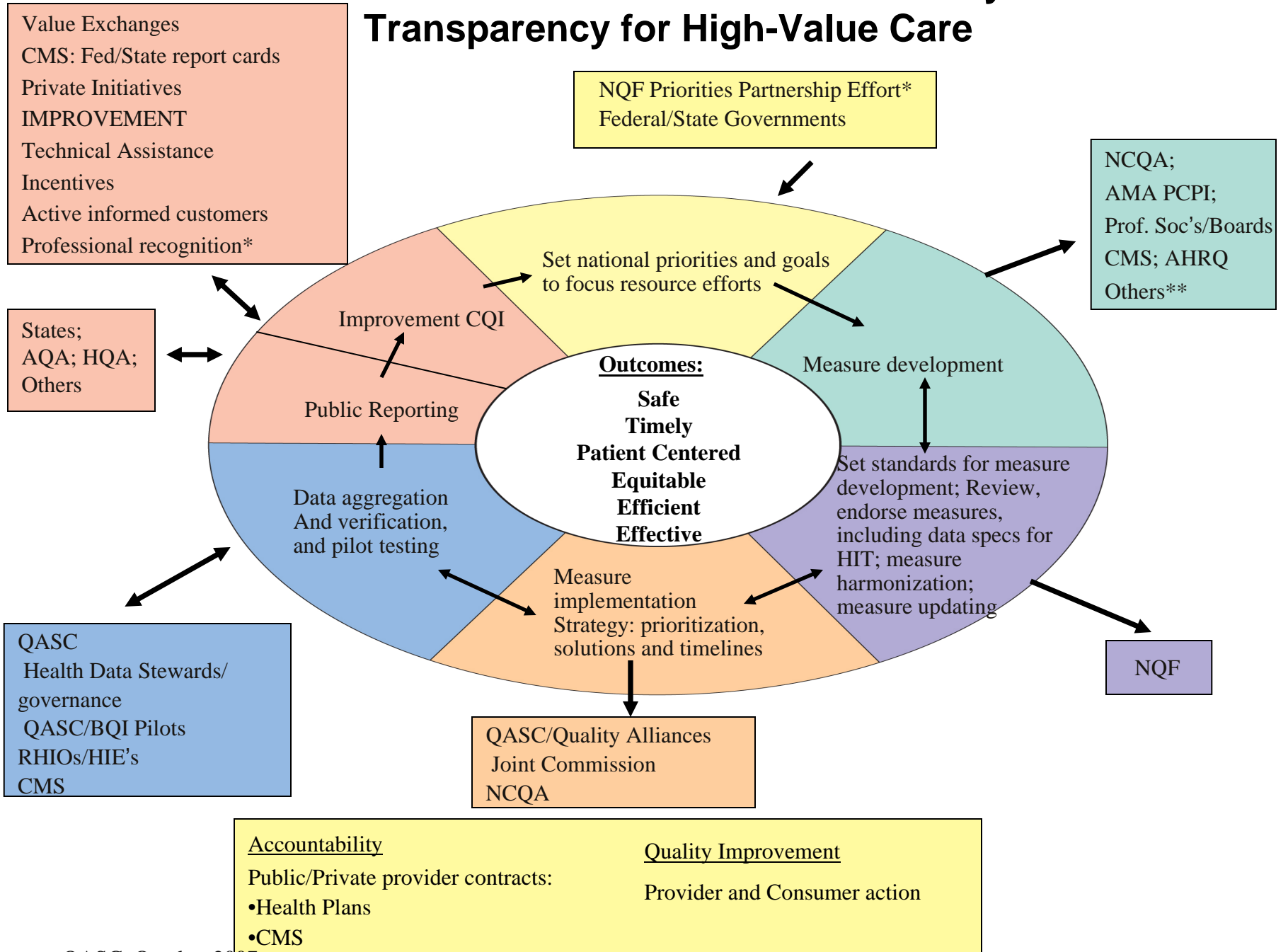
Debra Ness

Co-Chair, Consumer-Purchaser Disclosure Project  
President, National Partnership for Women & Families

# Agenda

- Context and Overview – Peter Lee
- New York Attorney General and Physician Tiering – Debra Ness
- Consumers' CHECKBOOK Medicare records lawsuit – Robert Krughoff
- CMS System of Records – Performance Measurement and Reporting System - Peter Lee

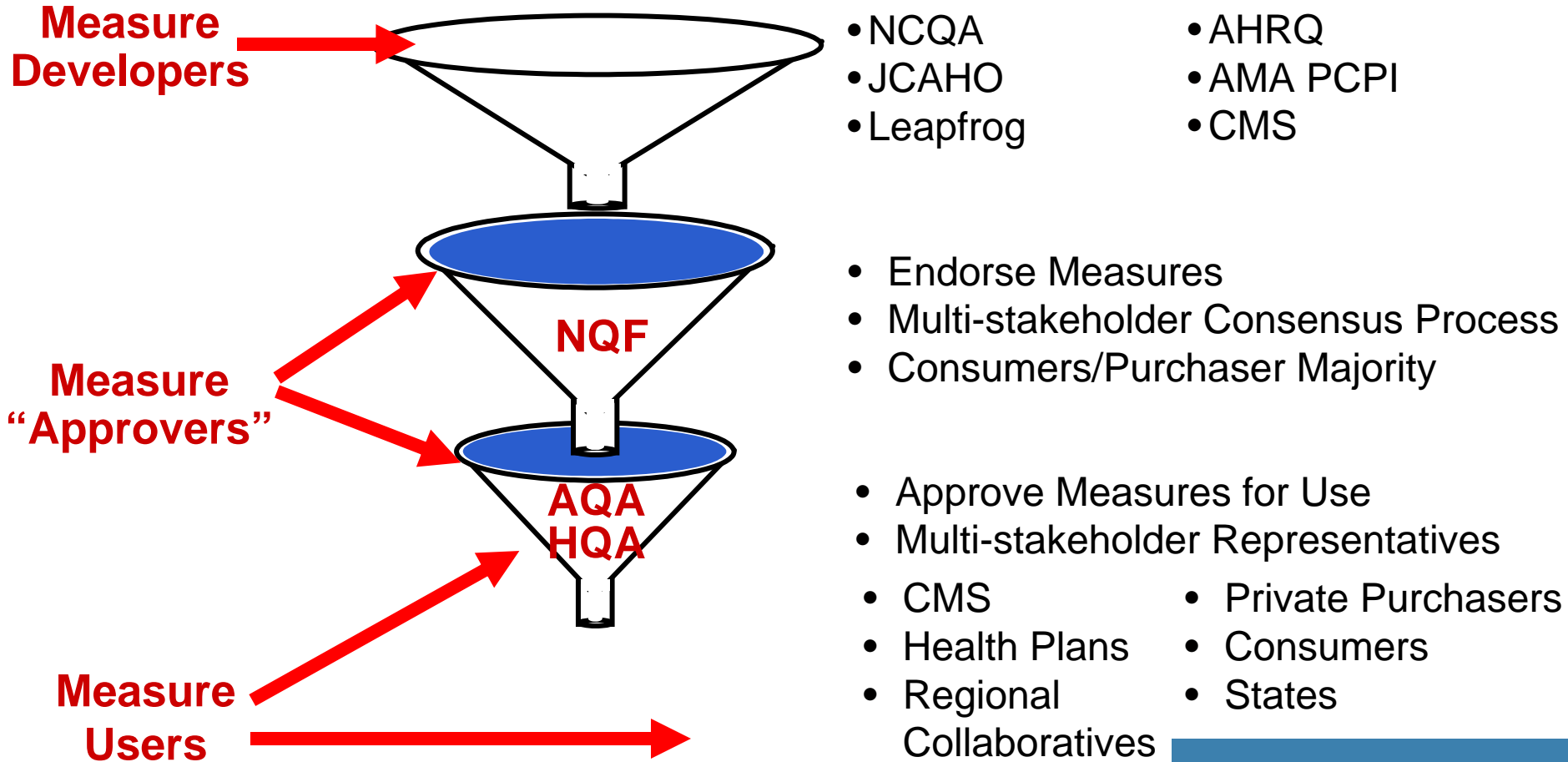
# The "Idealized" National Framework for Quality and Cost Transparency for High-Value Care



Source: QASC, October 2007



# The Slow Drip: Measure Endorsement Process



# New York Attorney General and Physician Tiering

- Investigates physician ranking programs of health plans
  - UnitedHealthcare, Aetna, Cigna (August)
  - Empire Blue Cross Blue Shield, Preferred Care, HIP Health Plan/GHI (October)

# New York Attorney General and Physician Tiering

- Attorney General's basis for investigation
  - Potential confusion and “deception”
  - Quality vs. cost-efficiency
  - Financial motivation of plans
  - Benefit design driving consumers to “cheaper” physicians
  - Data quality and methodology issues
  - Multi-plan data aggregation

# New York Attorney General/Cigna Agreement

- Good for consumers
- Framed by consumer and purchaser advocacy
- Elements of Agreement
  - Complete transparency of measures and methods
  - Measurement based on sound national standards and methodology
  - Consumers and physicians input
  - Enables consumers decisions on both quality and cost-efficiency
  - Physicians have adequate notice and opportunity to correct errors
  - Oversight by standards setting organization
  - Contribution towards development of consumer-friendly template

# New York Attorney General and Physician Tiering: Resources

- Disclosure Project Press Release
  - <http://healthcaredisclosure.org/docs/files/NYAGAgreementDisclosureRelease102907.pdf>
- Disclosure Project Criteria for Physician Measurement
  - <http://healthcaredisclosure.org/docs/files/ProposedCriteriaPhysicianPerformanceReporting.pdf>
- Consumers Union Statement at Press Conference
  - <http://healthcaredisclosure.org/activities/comment/>
- Copy of Agreement
  - [http://www.oag.state.ny.us/press/2007/oct/oct29a\\_07.html](http://www.oag.state.ny.us/press/2007/oct/oct29a_07.html)

# Federal Context for Physician Performance Reporting

- Follows 30-year old Florida Court Ruling
  - Interprets that Privacy Act protects “privacy” of physicians as well as patients
- Value-Driven Health Care Initiative
  - Measuring and reporting quality one of four cornerstones
  - Better Quality Information for Medicare Beneficiaries
  - Chartered Value Exchanges
- Physician Quality Reporting Initiative
  - Pay-for-reporting that offers bonus of up to 1.5% of allowable Medicare charges—no public reporting...YET

## Consumers' CHECKBOOK Medicare Records Lawsuit

- Under Freedom of Information Act (FOIA), Consumer's CHECKBOOK requested data on individual physicians' claims paid by Medicare in five states
- DHHS argued that release would violate physicians' privacy
- US District Court ruled in favor of Consumer's CHECKBOOK
  - Public interest outweighs physician privacy
- DHHS appealed District Court's decision

# Consumers' CHECKBOOK Medicare Records Lawsuit: Resources

- District Court Opinion
  - <http://www.checkbook.org/Press/doc/Court%20Opinion.pdf>
- Consumers' CHECKBOOK Press Release
  - <http://www.checkbook.org/Press/doc/HHS%20Fights%20Release%20of%20Consumer%20Information%2010-22-071.pdf>
- Disclosure Project's Letter of Support
  - <http://healthcaredisclosure.org/docs/files/ConsumerCheckbookcaseSupport091207.pdf>

## **CMS System of Records – Performance Measurement and Reporting (PMRS)**

- Individual physician-level data will be made available to support the “routine uses” of information
- Under Privacy Act, routine use permits the disclosure of information without consent if compatible with why data collected
- Purpose of disclosure sufficiently important to warrant risk on privacy of provider
- Effective 30 days from notice, unless comments that require alterations

## **CMS System of Records – Performance Measurement and Reporting (PMRS)**

- Patient identifiable and de-identified
- Performance measurement results and claims information
- Recipients safeguard data

## **CMS System of Records – Performance Measurement and Reporting (PMRS)**

- Ten routine uses including:
  - To assist in making the individual physician-level performance measurement results available to inform Medicare beneficiaries choices in coverage options
  - To provide Chartered Value Exchanges (CVE) and data aggregators information for generating single or multi-payer performance measurement results
  - To assist individual providers that are participating in health care transparency projects (for patient-identified, only on providers' own patient population);
  - To assist in transparency projects, public health research, or payment purposes

## **CMS System of Records – Performance Measurement and Reporting (PMRS): Resources**

- Federal Register for PMRS
  - <http://a257.g.akamaitech.net/7/257/2422/01jan20071800/edocket.access.gpo.gov/2007/pdf/E7-17907.pdf>
- Disclosure Project Comment Letter
  - <http://healthcaredisclosure.org/docs/files/DisclosureSORcomment100507.pdf>
- Pacific Business Group on Health Comment Letter
  - <http://healthcaredisclosure.org/docs/files/PBGHComments101207.pdf>

# About The Disclosure Project

The Consumer-Purchaser Disclosure Project is an initiative that is improving health care quality and affordability by advancing public reporting of provider performance information so it can be used for improvement, consumer choice, and as part of payment reform. The Project is a collaboration of leading national and local employer, consumer, and labor organizations whose shared vision is for Americans to be able to select hospitals, physicians, and treatments based on nationally standardized measures for clinical quality, consumer experience, equity, and efficiency. The Project is funded by the Robert Wood Johnson Foundation along with support from participating organizations.

For more information <http://healthcaredisclosure.org/>.