

Virginia’s All Payer Database was established in 2012 as a voluntary effort on the part of major Virginia-licensed health insurance companies and related organizations. The law states that “The purpose of the Virginia APCD is to facilitate data-driven, evidence-based improvements in the access, quality and cost of health care and to promote and improve public health through the understanding of health care expenditure patterns and the operation and performance of the health care system.” Va. Code § 32.1-276.7:1(A).

Key to stakeholder support of the APCD is the legislation’s protection of patient privacy, a multi-stakeholder governance structure to ensure appropriate use of the APCD and restrictions on the public release of actual paid amounts.

Removing the FOIA exemption could seriously harm the viability of the APCD by threatening:

- Patient Privacy: Patient privacy could be at risk because allowing individuals to gain access to the information through FOIA would permit avoidance of the governance structure that ensures appropriate access to APCD data through a fair review process and detailed Data Subscriber Agreements approved by the Commissioner of Health. These Data Subscriber Agreements place restrictions on the uses and disclosures of APCD data, as well as prescribe certain standards for maintaining the privacy and security of the data. Without the FOIA exemption, individuals could avoid this entire process – one that is designed to ensure the protection of sensitive patient data.
- Ongoing Data Submission: By removing the other restrictions on use of the APCD Data, payers would likely end their submission of data to the APCD. These payers are in a highly competitive industry, and the development of the governance structure and Data Subscriber Agreements described above was a contentious process. If payers feel that their competitive position could be harmed by allowing the public access to information that would not otherwise be freely available, they would very likely decline to continue participating in the APCD. Again, the APCD is designed to allow subscribers the ability to compare expenditure and use patterns and facilitate data-driven improvements in the quality of health care. This mission is dependent on the APCD’s ability to receive the data held by the payors, and in a voluntary program such as the Virginia APCD, deleting the FOIA exemption would prove disastrous.
- Funding: Virginia’s APCD is funded voluntarily. The FY 2017 budget is \$1,366,377 with almost all funds coming from nongovernment sources. For your convenience, we have provided a chart summarizing the APCD funding:

FY 2017 Virginia APCD Total Budget \$1,366,377		
Source	Total Amount	% of Budget
Participating health insurance companies	\$546,550	40
Hospitals/health systems	\$546,550	40
VHI	\$273,275	20
VDH- General Appropriations	\$ 25,000	N/A – GA approved 25K after 3 Year budget approved by funders.

Withdrawing the FOIA exemption would likely result in cessation of voluntary contributions from some organizations providing funding and a loss of the ability to offset some costs of the APCD through grants, and other sources. For example, Virginia Health Information (“VHI”) funds 20% of the APCD budget and receives a valuable source of income through fees on data subscriber access. If individuals who would otherwise be “data subscribers” could access the data through FOIA, VHI would lose a critical source of income and the funding, and therefore continuity, of the APCD would be in jeopardy.

In conclusion, Virginia’s APCD is a collaborative effort to help promote better health, better care and lower costs. Appropriate use, governance and funding are cornerstones of the effort and rely on the FOIA exemption to help ensure participation. Removal of FOIA exemptions would break the foundation of trust that led to the creation of Virginia’s APCD.