

Data Supplier Requests for Data Submission

Waivers, Extensions, and Exceptions

Background

As described in Washington Administrative Code (WAC) 82.75.060 and 82.75.080¹ the Office of Financial Management (OFM) may grant data suppliers waivers, extensions and exceptions to reporting requirements. Following is a description of the categories and the process to make requests.

The procedure for requesting data element-specific variances will be added to this document no later than February 1, 2017, and the amended document will be distributed to all Group 1 data suppliers.

Requests for Data Submission Waivers, Extensions, and Exceptions

Below are the definitions of a waiver, extension, and exception to meeting a data submission deadline:

1. Waiver – data supplier is exempted from complying with a reporting requirement for a defined period not to exceed one reporting year
2. Extension – data supplier receives additional time to submit a quarterly data submission or data resubmission requirement – a period not to exceed one reporting quarter
3. Exception – data supplier is approved to file historical data for a period less than the period specified in rule.

Waiver

Data submission waiver requests must be submitted at least 60 calendar days prior to the applicable reporting deadline. Data suppliers shall complete all required information on the request form or such request will be returned to the data supplier as incomplete/invalid. OFM will notify the data supplier, in writing, of its waiver decision within 30 calendar days of receipt of a valid request form from the data supplier.

Following are examples of circumstances for which OFM, the Lead Organization, and the Data Vendor will consider granting waiver requests:

- De minimis enrollment volume in a specific line of business (e.g., commercial individual, commercial group, Medicare Advantage, Exchange, Medicaid) or product type (e.g., health, dental, etc.)
- A change in business ownership or business operations that materially affects the WA-APCD relevant data operations (e.g., claims adjudication system replacement)
- Data for a specific line of business / product type that are housed on an information technology platform that is not the data supplier's primary platform and would require additional time and effort to extract the data.

¹ http://www.ofm.wa.gov/healthcare/pricetransparency/phase_one.asp

Extension

Data submission extension requests must be submitted at least 30 calendar days prior to the applicable reporting deadline. However, if a data supplier is unable to meet this deadline due to circumstances beyond the data supplier's control, the data supplier must notify the Lead Organization in writing as soon as the data supplier determines that an extension is necessary (WAC 82-75-080(3)(c)). Data supplier must complete all required information on the request form or such request will be returned to the data supplier as incomplete/invalid. OFM will notify the data supplier, in writing, of its extension decision within 15 calendar days of receipt of a valid request form from data supplier.

Following are examples of circumstances for which OFM, the Lead Organization, and the Data Vendor will consider granting extension requests:

- Software replacement or major upgrade to data supplier claims systems that materially affects the WA-APCD relevant data submission
- Data integrity defect whose discovery occurred at a point at which the remedy cannot be reasonably implemented to meet the current reporting deadline
- Data supplier data breach that requires extraordinary activities to resolve the security or other data vulnerabilities.

Exception

Data submission exception requests must be made to the Lead Organization within 15 calendar days of the date of written notification by the Lead Organization to the data supplier that the WA-APCD is ready to accept the submission of historical data. Data supplier must complete all required information on the request form or such request will be returned to the data supplier as incomplete/invalid. OFM will notify the data supplier in writing of its decision within 15 calendar days of receipt of a valid request form from the data supplier.

Following are examples of circumstances for which OFM, the Lead Organization and the Data Vendor will consider granting requests for exceptions:

- Historical data older than three years would require extraordinary extraction costs due to data archival or other circumstances
- Historical data is non-existent; for example, data supplier was not processing claims for covered lives in Washington state during the historical period required for submission.

Data Exemption Request Process

Data waiver, extension and exception requests must be submitted to the Lead Organization per the request Form. The form contains the required information and instructions to document and transmit a valid form to the Lead Organization

Administrative Review and Appeals Process to OFM's Exemption Decision

Data suppliers may request an administrative review of OFM's decision to deny a request for an extension or waiver (WAC 82-75-100). The data supplier must file a written petition to OFM within 30 calendar days after notice of denial. Details of the information required in the petition are included in WAC 82-75-100(2). The Director of OFM or designee will review the petition and send a written decision 30 calendar days from the receipt of the administrative review decision. If the administrative review is denied, the data supplier may appeal that decision as outlined in WAC 82-75-110. An appeal must be submitted in writing to OFM within 15 calendar days of receipt of the denial of the administrative review. Within 10 business days of receipt of an appeal, OFM will transmit the request to the Office of Administrative Hearings who will assign an administrative law judge to handle the appeal.

Assessment of Penalties for Missed Data Submission Deadline after Expiration of Waiver or Extension

At the expiration of an approved waiver or extension, the data supplier must meet the next applicable data submission deadline. If the data supplier fails to comply with the next applicable submission date, fines shall be assessed on the data supplier unless: i) the data supplier has received another approved waiver or extension from OFM, or ii) per WAC 82.75.090(1)(c) the data supplier can demonstrate it is working in good faith with the Lead Organization to comply with the data reporting requirement.

Data suppliers may request an administrative review of OFM's decision to assess a fine for failure to submit data (WAC 82-75-100). The data supplier must file a written petition to OFM within 30 calendar days after assessment of the fine. Details of the information required in the petition are included in WAC 82-75-100(2). The Director of OFM or designee will review the petition and send a written decision 30 calendar days from the receipt of the administrative review.

If the administrative review is denied, the data supplier may appeal that decision as outlined in WAC 82-75-110. An appeal must be submitted in writing to OFM within 15 calendar days of receipt of the denial of the administrative review. Within 10 business days of receipt of an appeal, OFM will transmit the request to the Office of Administrative Hearings who will assign an administrative law judge to consider the appeal.

Assessment of Penalties for Missed Data Submission Deadline

OFM may assess fines for failure to comply with requirements of WAC 82-75 unless the data supplier is working in good faith with the Lead Organization to comply with the reporting requirements or has an approved waiver or extension. OFM shall first issue a warning notice to the data supplier. The warning notice shall set forth the nature of the failure to comply and offer to provide assistance to the data supplier to correct the failure. According to WAC 82-75-090(6) a data supplier that fails to comply with the same reporting for which it received a warning notice, may be assessed a penalty of \$250 per day not to exceed a maximum of \$25,000 per occurrence.