





- THE RULE VARIANCE WOULD BE CONSISTENT WITH THE PUBLIC INTEREST  
*(Note: Public interest is presumed to be served by obtaining data that is as complete as possible); and*
- THE VARIANCE WOULD NOT PREJUDICE THE SUBSTANTIAL LEGAL OR ECONOMIC RIGHTS OF ANY PERSON OR ENTITY. ***(Note: The fact that a data submitter is close to the cut-off for health plan companies and third-party administrators or the cut-off for pharmacy benefit managers does not, by itself, constitute evidence satisfying any of the criteria.)***

**FOR SUBMITTERS WISHING TO SUBMIT A VARIANCE REQUEST RELATED TO SUBMISSION OF DATA FROM EMPLOYERS THAT ARE ELIGIBLE TO WITHHOLD THEIR DATA, THE VARIANCE REQUEST MUST INCLUDE:**

- a. Verification that claims not submitted are associated with a specific employer group that is eligible to withhold their data, and
- b. Verification that the employer group has affirmatively elected to not submit data to the MN APCD for a given reporting period.

6. A history of the agency's action relative to the petitioner, as relates to the variance request
7. Mail to: Diane Rydrych, Director, Division of Health Policy | Minnesota Department of Health | P.O. Box 64882 | St. Paul, MN 55164-0882

## THRESHOLD VARIANCE REQUEST

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*A VARIANCE FOR A THRESHOLD REQUIREMENT, A DATA SUBMITTER MUST DEMONSTRATE THAT IT MEETS EACH OF THE FOLLOWING CRITERIA:*

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1. A good faith reason that it is unable to meet the standard threshold;
2. The proposed alternative threshold; and
3. The basis for the proposed alternative threshold.
4. Threshold variance requests should be submitted to Onpoint at [mn-support@onpointhealthdata.org](mailto:mn-support@onpointhealthdata.org)

## Frequently Asked Questions

*Q. Is it legal for health plan companies and third-party administrators to submit claims to the MN APCD from employers eligible to withhold their data?*

A. Yes.

*Q. Are employers allowed to submit their claim data voluntarily?*

A. Yes, and MDH encourages all plan sponsors, or employers, to direct their health plan companies, TPAs, and PBMs to submit their complete de-identified data to the MN APCD. MDH is eager to work with all employers on improving the value the MN



