**Section 2510.70 Special Studies and Analysis**

a) In addition to the quarterly reports, the Council shall respond to requests by agencies of government and organizations in the private sector for special studies and analysis (hereafter referred to as a "compilation of data") collected pursuant to Sections 2510.30 and 2510.50 of this Part.

b) For purposes of this Part, a compilation of data is defined as a magnetic tape, diskette, CD-ROM, cartridge, or a hard copy report containing selected non-confidential data elements.

c) The Council shall not release any information for special studies and analysis which is not permitted to be released for other purposes by the Act. No patient identifiable information shall be released. No hospital specific financial information shall be released except as provided in Section 2510.30 of this Part. Only the information which can be released under the requirements of the Act shall be released. Special studies and analysis shall not be subject to the Freedom of Information Act.

d) All requests for compilations of data shall be made in writing to the Executive Director. The written request shall at least contain the name, address, and telephone number of the requester; a description of the requested compilation of data; a short, plain statement of the reason for the request; the relationship of the requested compilation to a legitimate purpose; and an identification of the parties to whom data requestors intend to re-release and/or sell the requested data (or any subset thereof) and the format of such re-release or sale. A "legitimate purpose" is a purpose consistent with the intent, policies, and purposes of the Act.

e) The Council shall review each request for a compilation of data and determine whether to approve or deny the request. The Council shall notify the public of requests made for compilations by listing the requester, and providing a short description of the request on its official meeting agenda. Such requests shall be approved only by the vote of a majority of the members of the Council who shall designate the form in which the information shall be made available. The approval or denial by the Council of requests for compilations of data shall be within the discretion of the Council. The Council may deny a request for a compilation of data for reasons including, but not limited to, unavailability of data; the requested compilation of data is already available from the Council or another source; the requested compilation of data would endanger patient confidentiality; or the request is not related to a legitimate purpose. No person or group may request such compilation of data concerning another person or group.

f) The Council shall notify the requester in writing of its decision. Denial of a request shall include a brief explanation of the reason for the denial. If a request is approved, delivery of the data shall be subject to receipt by the Council of a signed confidentiality and release agreement in form and substance satisfactory to the Council.

g) The Council shall also determine a fee to be charged to the requesting entity which will cover at a minimum the direct and indirect costs of acquiring the information and of developing and producing the data product reports or special analyses. The Council shall establish prices by rule (see subsection (g)(4)) for each category of purchasers for each product and for the various terms under which such purchasers may wish to acquire products.

1) Definition of Terms

A) Public Release Product

 Products which the Council has determined may be released by staff without specific Council action on each order are referred to as Public Release Data Products. These products are said to be "ordered" by the customer.

B) Controlled Release Product

 Products which the Council has determined may not be released by staff without specific Council action on each order are to be referred to as Controlled Release Data Products. These products are said to be "applied for" by the customer.

C) Data Products are to be made available in units covering a time period to which the data are applicable. Orders, applications, prices and release conditions shall be specific to the unit of product concerned. Unit or product for Public DataSet, Universal DataSet, and Research Oriented DataSet shall be calendar quarter. Unit of product for the Patient Origin DataSet shall be calendar year.

D) Purchase

 Data Products may be acquired for the single purpose and for the sole use of the ordering or applying entity. The Council filling an order or granting an application to a given entity shall be construed as giving permission for use only for the unit of product requested and, in the case of Controlled Release products, only for the purposes originally applied for. In granting such approval, the Council shall not be construed as giving permission for the ordering or applying entity to use the data released on behalf of any client, member, organization or other entity not specified in the original order or application.

2) Council Data Product Categories

A) Public Release Products

 For the purposes of this Part, the Public DataSet, Patient Origin DataSet, and Custom Reports or DataSets based upon them are to be regarded as Public Release Products.

B) Controlled Release Products

 For the purposes of this Part, the Universal DataSet, Research Oriented DataSet, and Custom Reports or DataSets based upon them are to be regarded as Controlled Release Products.

3) Categories of Purchasers and the Terms of Payment

A) Category I: Commercial

 Any corporation, association, coalition, person, entity or individual, regardless of whether that individual would also fit any of the other categories listed in this subsection (g)(3), that resells or redistributes any of the data or products (or any subset thereof) obtained from the Council for any revenue is engaged in commercial use of the data or products and shall pay for the data or products at the commercial-reselling rate. Any corporation, association, coalition, person, entity or individual seeking to obtain data or products (or any subset thereof) from the Council is presumed to be acquiring the data or products for a commercial use unless the requestor can prove otherwise to the satisfaction of the Council. If non-commercial use is proven to the satisfaction of the Council, the requestor shall be classified into Category II through Category V for the purpose of fee determination.

B) Category II: Private and For-Profit Organizations

 Corporations, associations, coalitions, and other entities which are not chartered by State or Federal government to fulfill general or specific government functions and which function in whole or in part for the benefit of the owners, members, or sponsors of the corporation or organization shall fall into this category.

C) Category III: Illinois General Assembly and the Executive Office of the Governor

 In consideration of the public information mandate of the Council and the contribution of the General Revenue Fund to the activities of the Council, this category of purchaser shall receive Council reports and data products free of charge.

D) Category IV: Illinois Government and Educational Institutions

 Other units of Illinois State government, Illinois county and local government, and Illinois public and private educational institutions shall be deemed to fall into this category. An exception to this policy is that State of Illinois agencies (IDPA, IDPH, IDOI, etc.) shall receive existing data products free of charge. Other exceptions to this policy may be made when there is a working agreement between the Council and a requesting entity entered under subsection (g)(9)(B). When such an agreement is in effect, it shall govern the charge which shall be made to the requesting entity.

E) Category V: Non-Illinois Government, Non-Illinois Educational Institutions, All Non-Profit Organizations, and All Graduate Students

 The Federal government, governments of other states, other political subdivisions outside of the State of Illinois, non-Illinois educational institutions, all non-profit organizations, and all graduate students requesting data for research purposes shall be deemed to fall into this category. Non-profit organizations that purchase data materials:

i) on behalf, either in whole or in part, or

ii) for the substantial benefit,

 of for-profit entities shall not be deemed to be included in this category. Rather, such entities will be included in Category I. Exceptions to this policy may be made when there is a working agreement between the Council and a requesting entity entered under subsection (g)(9)(B). When such an agreement is in effect, it shall govern the charge which shall be made to the requesting entity.

F) Category VI: Hospitals

 Illinois hospitals requesting access to final edited claims information from the Council, for purposes other than the hospital review process as required by statute, rule, and agreement, may purchase this data from the Council. Prices for hospitals for these other products shall be as put forth for Category II, except in cases in which other agreements may be in place.

 If such non-commercial use is proven to the satisfaction of the Council, the requestor shall be classified into Category II through Category V for the purposes of fee determination. The Council, acting upon the evidence presented and the completion of all questions on the data subscription request form, shall determine the category in which any given customer shall be placed.

4) Category Prices

 Customers shall pay all or part of the fees set forth in the table below in accordance with the customer's category as outlined in subsection (g)(3).

|  |  |  |  |
| --- | --- | --- | --- |
|   |  |  |  |
|   |  |  |  |
|   | QUARTER |  |  |
|   |  | YEAR |  |
| Category I - Commercial |  |  |  |
|   |  |  |  |
| Product: |  |  |  |
|  DataSet |  |  |  |
|   |  | $3,000 |  |
|   |  |  | $ 9,000 |
| Product: |  |  |  |
|  DataSet |  |  |  |
|   |  | $6,000 |  |
|   |  |  | $18,000 |
| Product: |  |  |  |
|  Analyst |  |  |  |
|   |  | $2,400 |  |
|   |  |  | $ 7,200 |

|  |  |  |  |
| --- | --- | --- | --- |
| Category II - Private and For-Profit Organizations |  |  |  |

|  |  |  |  |
| --- | --- | --- | --- |
|   |  |  |  |

|  |  |  |  |
| --- | --- | --- | --- |
|   |  |  |  |

|  |  |  |  |
| --- | --- | --- | --- |
|   |  |  |  |

5) Use for Additional Purpose Requires Additional Approval and Fee

 The prices and discounts set forth in this Part pertain to all applications for use as specified in the data subscription request form. A purchaser having once paid the appropriate fee for a particular use must re-apply for use for any other purpose and make payment as shown in this Part for the additional use.

6) Revisions in Pricing

 The Council will, from time to time, examine and may modify the prices set forth in this Part. All data products for the discharge time periods 1987 and beyond shall be priced according to this Part.

7) Payment Terms

 Payment by check or money order is required at the time the order or application is filed with the Council. The Council shall refund payments to applicants to which the Council votes not to release the data which were applied for.

8) Council Not Required to Perform Studies

 While this Part allows for applicants to request specific file formats and report layouts, the Council shall not accept applications to provide such unless it deems that it is in the best interest of the Council to do so, and analysis shall be provided by the Council only when appropriate.

9) Special Data Request Fee Structure

 Data requests accepted by the Council will be processed as follows:

A) Simple Requests

 These are "no fee" inquiries that take less than three hours to complete, are reasonable in length and can be retrieved by staff from existing reports on their computers. Subject to other resource constraints, such requests shall be completed for consumers for personal use and for commercial entities as a one-time report.

B) Complex Requests

 These are "for fee" inquiries that exceed guidelines for Simple Requests, require programmer time to extract the information requested and are subject to other resource constraints. A $50 non-refundable application fee must be submitted with each application. The $50 application fee will be deducted from the final cost of the data should the applicant agree to accept IHCCCC's charge proposal. The Council may grant exceptions to this policy when there is a working agreement between the Council and a requesting entity. When such an agreement is in effect, it shall govern the charge which shall be made to the requesting entity. The charges for compiling the data will be based on the resources required to produce the request and are based on the table below.

|  |  |  |
| --- | --- | --- |
| Resources | Hours/Units | Cost Per Hour |

 \*Media: 1 unit=diskettes, CD-ROM, cartridge, tape

 \*\*CPU: 1 unit=CPU seconds to process 1 quarter of data (approximately 0.75 million records)

h) Basis of Charge for Other Services and Products of the Council

1) Seminars, Colloquia, and Other Meetings

 In order to offset the costs of presenting informational programs to the public and to Council constituencies, the Council may charge a fee to participants covering the reasonable costs of presentation materials and equipment, guest presenters expenses, travel expenses of Council Staff, and meeting facilities. At the request of participants, the Council may also negotiate group rates for accommodations and amenities at such meetings and pass the cost and overhead along to participants in the fee charged for attendance.

2) DRG Analyst

 All categorical prices shall apply to this product.

3) Other Services and Products

 To the extent that the General Assembly appropriates to the Council from the Special Studies Revolving Fund moneys sufficient to perform other services and provide other products not conflicting with the intent of the Health Finance Reform Act and this Chapter XI, the Council may provide such products and services for a fee. The fees to be assessed shall be reasonable in view of the value of services performed, shall be collected by methods and procedures approved by the Executive Director, and shall cover the full cost of providing the goods and services.

(Source: Amended at 25 Ill. Reg. 2017, effective January 19, 2001)