

other party involved and a meaningful opportunity to be heard. In any event, the HCA's new evidence should be stricken and not considered by the Board.

Finally, we realize the Board can consider public comment in the hearing process and can use it to identify issues, but we also note that public comment is not under oath, is not subject to direct or cross examination and cannot be offered as evidence of the truth of what was said. The HCA's offer of public comment as evidence in its Memorandum (pages 3, 7-8), should therefore be stricken and not considered as evidence.

Conclusion

We request the Board strike the HCA's several, new proffers of evidence in its July 31 Memorandum, pp. 3-8.

Dated at Montpelier, Vermont, this 2nd day of August, 2017.



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CERTIFICATE OF SERVICE

I hereby certify that a copy of this Motion to Strike Introduction of New Evidence has been duly served upon Judith Henkin, General Counsel to the Green Mountain Care Board, Noel Hudson, GMCB appointed hearing officer, and Kaili Kuiper, Office of Vermont Health Advocate, by electronic mail, return receipt requested, this 2nd day of August, 2017.



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