

STATE OF VERMONT  
GREEN MOUNTAIN CARE BOARD

In re: BlueCross and BlueShield Vermont )  
3<sup>rd</sup> Quarter 2018 Large Group Rating Program Filing ) GMCB-003-18rr  
)  
In re: The Vermont Health Plan )  
3<sup>rd</sup> Quarter 2018 Large Group Rating Program Filing ) GMCB-004-18rr

**HCA'S RESPONSE TO BCBSVT'S REPLY MEMORANDUM**

The Office of the Health Care Advocate submits the following Response to the Blue Cross and Blue Shield of Vermont's (BCBSVT) Reply Memorandum. BCBSVT, in its Reply Memorandum, followed neither accepted legal practice nor GCMCB Rule 2.309.

BCBSVT cites new evidence in its Reply Memorandum. The information BCBSVT provides is not likely to be administratively noticeable and contains no citations that allow us or the Board to evaluate the source or legitimacy of the evidence presented. Further, BCBSVT failed to offer this evidence in the original filing or in its response to Objection Letter #3 in which the HCA specifically asked about alternative payment methods. BCBSVT now submits ten pages of information, in violation of the GCMCB Rule 2.309 page limit for reply memos of five pages, effectively evading the full filing review process. We therefore ask the Board to give the information in BCBSVT's Reply Memorandum little to no weight.

Further, we appreciate BCBSVT's attempt to participate in a conversation about the rate review statutorily-mandated non-actuarial criteria. We agree with BCBSVT that system reform activities are an important component of the Board's review. Therefore, as stated in our Memorandum In Lieu Of Hearing, we respectfully ask the Board to define rate filing guidance such that carriers are instructed to address affordability and the other relevant statutory and regulatory criteria in their rate filings so that all relevant information can be afforded a full review in the future.

Dated at Montpelier, Vermont this 6<sup>th</sup> Day of June, 2018.

/s/ Eric Schultheis  
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## CERTIFICATE OF SERVICE

I, Eric Schultheis, hereby certify that I have served the above Memorandum in Lieu of Hearing on Judith Henkin, Green Mountain Care Board General Counsel; Sebastian Arduengo, Green Mountain Care Board Staff Attorney; Agatha Kessler, Green Mountain Care Board Health Policy Director; and Jacqueline Hughes, Blue Cross Blue Shield of Vermont representative, by electronic mail, return receipt requested, this 6<sup>th</sup> day of June, 2018.

/s/ Eric Schultheis

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