

PRIMMER PIPER
EGGLESTON &
CRAMER PC

30 Main Street, Suite 500 | P.O. Box 1489 | Burlington, VT 05402-1489

RYAN M. LONG
ADMITTED IN VT AND NY
rlong@primmer.com
TEL: 802-864-0880
FAX: 802-864-0328

June 25, 2019

VIA U.S. MAIL & E-MAIL

Michael Barber, Esq. - Michael.Barber@vermont.gov
Green Mountain Care Board
144 State Street
Montpelier, VT 05602

Re: MVP Health Care 2020 Vermont Health Connect
Rate Filing – Docket No. GMCB-005-19rr

Dear Hearing Officer Barber:

On behalf of MVP Health Plan, Inc., enclosed please find *MVP's Motion for Clarification Regarding L&E's June 18, 2019 Objection Letter No. 3, Affidavit of Matt Lombardo in Support of MVP's Motion For Clarification and Certificate of Service.*

Respectfully submitted,

Ryan M. Long

Cc: (VIA E-MAIL ONLY)
Kaili Kuiper, Esq.
Jay Angoff, Esq.
Eric Schultheis, Esq.
Christina McLaughlin
Amerin Aborjaily, Esq.
Thomas Crompton

STATE OF VERMONT
GREEN MOUNTAIN CARE BOARD

In re: MVP Health Care, Inc.)	
2020 Vermont Health Connect Filing)	DOCKET NO. GMCB-005-19rr
)	
SERFF No. MVPH-131934219)	
)	

**MVP’S MOTION FOR CLARIFICATION REGARDING L&E’S JUNE 18, 2019
OBJECTION LETTER NO. 3**

MVP Health Plan, Inc., (“MVP”) by and through Primmer Piper Eggleston & Cramer PC hereby requests clarification of Question 1 as propounded to MVP in Lewis & Ellis’s (“L&E’s”) June 18, 2019 Objection Letter No. 3 as propounded to L&E by the Green Mountain Care Board (“GMCB” or the “Board”) on June 18, 2019 pursuant to 8 V.S.A. § 4062 and 18 V.S.A. § 9375(b)(6). In support of this motion and request for clarification, MVP submits the attached affidavit of Matthew Lombardo (the “Lombardo Aff.”).

1. On May 10, 2018, MVP filed its 2020 Vermont Health Connect Rate Filing.
2. On May 31, 2019, the Health Care Advocate (the “HCA”) requested that the Board propound two suggested Non-Actuarial Interrogatories and one suggested Actuarial Interrogatory. (“HCA’s First Set of Suggested Interrogatories”).
3. On June 10, 2019, the HCA requested that the Board further propound to MVP six suggested Actuarial Interrogatories and two suggested Non-Actuarial Interrogatories. (“HCA’s Second Set of Suggested Interrogatories”)
4. On June 18, 2019, the Board propounded to MVP through L&E four Actuarial Interrogatories.

5. In past rate filings, the Board exercised its discretion and eliminated or narrowed the HCA's suggested Interrogatories before propounding the HCA's suggested Interrogatories to MVP through L&E.

6. By its June 18, 2019 letter to L&E, the Board exercised its discretion in this rate filing, limiting the scope of the HCA's first Actuarial Interrogatories as contained in the HCA's First Set of Suggested Interrogatories before propounding its questions to MVP. *See L&E's June 18, 2019 Objection Letter No. 3* at Question 1 ("Question 1").

7. The Board also limited the scope of the HCA's second and fifth Actuarial Interrogatories and modified the HCA's sixth Actuarial Interrogatory as originally contained in the HCA's Second Set of Suggested Interrogatories. *Id* at Questions Nos. 2, 5 and 6.

8. The Board further exercised its discretion in declining to propound to MVP the HCA's first, third and fourth Actuarial Interrogatories as originally contained in the HCA's Second Set of Suggested Interrogatories.

9. Question 1 asks MVP to identify, among other things, a single numeric value to represent Medical Utilization and a single numeric value to represent Medical Unit Cost. *Lombardo Aff.* at ¶ 8.

10. Medical Utilization and Medical Unit Cost are highly complex concepts. *Lombardo Aff.* at ¶ 9.

11. Calculating a single value for Medical Utilization and/or Medical Unit Cost would not completely answer Question 1 and could lead to misleading results. *Lombardo Aff.* at ¶ 10.

12. Pursuant to the Society of Actuaries Code of Professional Conduct Precept 8: "An Actuary who performs Actuarial Services shall take reasonable steps to ensure that such services are not used to mislead other parties." *Lombardo Aff.* at ¶ 11.

13. Because providing a single value for Medical Utilization and/or Medical Unit Cost could likely lead to misleading results, Question 1 appears to demand an answer that would likely cause MVP's actuaries to violate the Code of Professional Conduct if answered as posed. Lombardo Aff. at ¶ 12.

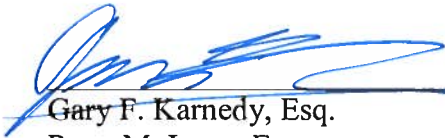
14. In order to avoid misleading any party, to maintain compliance with the Code of Professional Conduct and to more completely answer Question 1, MVP has produced the inputs relevant to the issues of Medical Utilization and Medical Unit Cost. Lombardo Aff. at 13; *see MVP's June 25, 2019 Response to L&E's June 18, 2019 Objection Letter No. 3.*

For the foregoing reasons, MVP seeks clarification from the Board as to whether the Board demands that MVP nevertheless calculate a single value for Medical Utilization and Medical Unit Cost, notwithstanding MVP's position that any such value could be misleading.

Dated at Burlington, Vermont, this 25th day of June 2019.

PRIMMER PIPER EGGLESTON & CRAMER PC

By:



Gary F. Karnedy, Esq.

Ryan M. Long, Esq.

Primmer Piper Eggleston & Cramer PC

30 Main Street, Suite 500

P.O. Box 1489

Burlington, VT 05402-1489

(802) 864-0880

gkarnedy@primmer.com

rlong@primmer.com

Attorneys for MVP Health Plan, Inc.

STATE OF VERMONT
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AFFIDAVIT OF MATTHEW LOMBARDO IN SUPPORT OF
MVP'S MOTION FOR CLARIFICATION

I, Matthew Lombardo, being duly sworn hereby declare as follows:

1. I am the Senior Leader of Actuarial Services for MVP Health Care and as such, I have personal knowledge of the foregoing.

2. MVP Health Plan Inc. is a non-profit HMO subsidiary of MVP Health Care.

3. I have been involved in every one of the Vermont Health Connect rate filings since 2014.

4. I am an actuary and am a fellow in the Society of Actuaries and a member of the Academy of Actuaries.

5. On May 10, 2018, MVP Health Plan, Inc., ("MVP") filed its 2020 Rate Filing SERFF No. MVPH-131934219 (the "Rate Filing") with the Green Mountain Care Board (the "Board") to be effective January 1, 2020 through December 31, 2020.

6. MVP received L&E's Objection Letter No. 3 on June 18, 2019.

7. MVP responded to L&E's Objection Letter No. 3 on June 25, 2019.

8. L&E's June 18, 2019 Objection Letter No. 3 at Question 1 ("Question 1") asks

~~MVP to identify, among other things, a single numeric value to represent Medical Utilization and~~
a single numeric value to represent Medical Unit Cost.

9. Medical Utilization and Medical Unit Cost are highly complex concepts.

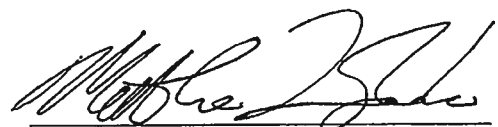
10. Calculating a single value for Medical Utilization and/or Medical Unit Cost would not completely answer Question 1 and could lead to misleading results.

11. Pursuant to the Society of Actuaries Code of Professional Conduct Precept 8: “An Actuary who performs Actuarial Services shall take reasonable steps to ensure that such services are not used to mislead other parties.”

12. Because providing a single value for Medical Utilization and/or Medical Unit Cost could likely lead to misleading results, Question 1 appears to demand an answer which would likely cause MVP’s actuaries to violated the Code of Professional Conduct if answered as posed.

13. In order to avoid misleading any party, to maintain compliance with the Code of Professional Conduct and to more completely answer Question 1, MVP has produced the inputs relevant to the issues of Medical Utilization and Medical Unit Cost.

Dated at 14:30, New York, this 25 day of JUNE, 2019


Matthew Lombardo

Subscribed and sworn to before me this 25 day of JUNE, 2019


Notary Public
My Commission Expires

Craig T. Relyea
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01RE6383712
Qualified in Saratoga County
Commission Expires November 26, 2022

STATE OF VERMONT
GREEN MOUNTAIN CARE BOARD

In re: MVP Health Care 2020)
Vermont Health Connect Rate Filing) DOCKET NO. GMCB-005-19rr
)
SERFF No. MVPH-131934219)
)

CERTIFICATE OF SERVICE

I, Ryan M. Long, Esq., hereby certify that I have served MVP Health Plan, Inc.'s *Motion for Clarification Regarding L&E's June 18, 2019 Objection Letter No. 3 and Affidavit of Matt Lombardo in Support of MVP's Motion For Clarification*, via e-mail and U.S. mail upon the following:

Michael Barber, Esq.
Green Mountain Care Board
144 State Street
Montpelier, VT 05602
Michael.Barber@vermont.gov

Jay Angoff, Esq.
Mehri & Skalet PLLC
1250 Connecticut Ave. NW., Suite 300
Washington, DC 20036
jangoff@findjustice.com

Kaili Kuiper, Esq.
Office of the Health Care Advocate
Vermont Legal Aid
56 College Street
Montpelier, VT 05602
kkuiper@vtlegalaid.org

Eric Schultheis, Esq.
Office of the Health Care Advocate
Vermont Legal Aid
56 College Street
Montpelier, VT 05602
ESchultheis@vtlegalaid.org

Dated at Burlington, Vermont, this 25th day of June, 2019.

PRIMMER PIPER EGGLESTON & CRAMER PC

By: 

Ryan M. Long, Esq.
Primmer Piper Eggleston & Cramer PC
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rlong@primmer.com

Attorneys for MVP Health Plan, Inc.