

STATE OF VERMONT
GREEN MOUNTAIN CARE BOARD

In re: MVP Health Plan, Inc.)
VT Health Connect 2021 Filing) GMCB-006-20rr
)

**HCA's RESPONSE TO MVP's OBJECTIONS TO THE HCA'S NON-ACTUARIAL
QUESTIONS**

On June 10, 2020, MVP Health Plan, Inc. (MVP) filed a pleading (MVP Objection) with the Green Mountain Care Board (Board) objecting to and declining to substantively respond to two of the Office of the Health Care Advocate's (HCA) three non-actuarial interrogatories which the HCA submitted to the Board on June 3, 2020. MVP objected to and declined to respond to HCA Interrogatories 1 and 2, which seek information on MVP's pending court actions against the federal government for damages resulting from unpaid cost sharing reduction and risk corridor payments. (HCA Interrogs. 1-2). As we do not want to delay the process further, and we believe the appropriateness of our interrogatories is not controversial, the HCA is submitting a short reply as follows:

To begin, the recovery of unpaid risk corridor and cost sharing reduction payments is directly relevant to the filed rate. This is because the Board is required to consider an insurer's solvency when it reviews a rate increase. (8 V.S.A. §4062(a)(3)). Further, MVP's filing includes a request for a 1.5% contribution to reserves. The impact on MVP's reserves of any potential money damages it might receive from such lawsuits is therefore relevant to the Board's assessment of the filing.

MVP believes that the information requested should only be available through independent research. This assertion runs counter to public policy and transparency goals. In contrast to independent research, information MVP provides through responses to interrogatories

is on the rate review public record. As such, it is available to not only the HCA but also the Board and all Vermonters who wish to follow the filing review, including MVP's individual and small group members.

Finally, the HCA's questions about federal court proceedings, timing, and damages are entirely consistent with non-actuarial questions that the Board has submitted to insurers, including MVP, in the past. (See e.g. GMCB-005-19rr June 14, 2019 Non-Actuarial Questions #1, Questions 2, 3; and GMCB-002-20rr, GMCB-003-20rr, GMCB-004-20rr, and GMCB-005-20rr Non-Actuarial Questions, Questions 4, 5).

Dated at Montpelier, Vermont this 11th day of June, 2020.

s/Eric Schultheis

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s/ Kaili Kuiper

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CERTIFICATE OF SERVICE

I, Kaili Kuiper, hereby certify that I have served the above Notice of Appearance on Michael Barber, Green Mountain Care Board General Counsel; Amerin Aborjaily, Green Mountain Care Board Staff Attorney; and Gary Karnedy, Ryan Long, and Michelle Bennett, representatives for MVP Health Plan, Inc., by electronic mail, return receipt requested, this 11th day of June, 2020.

s/ Kaili Kuiper

Kaili Kuiper, Esq.

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