



PRIMMER PIPER  
EGGLESTON &  
CRAMER PC

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

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

June 19, 2020

**VIA E-MAIL ONLY** – [Michael.Barber@vermont.gov](mailto:Michael.Barber@vermont.gov)

Michael Barber, Esq.  
General Counsel  
Green Mountain Care Board  
144 State Street  
Montpelier, VT 05602

Re: MVP Health Plan, Inc. 2021 Vermont Health Connect  
Rate Filing – Docket No. GMCB-006-20rr

Dear Hearing Officer Barber:

On behalf of MVP Health Plan, Inc., enclosed please find *MVP's Responses to The Green Mountain Care Board's First Set of Non-Actuarial Interrogatories and Certificate of Service*.

Respectfully submitted,

/s/ Ryan M. Long

Ryan M. Long

Cc: **(VIA E-MAIL ONLY)**  
Kaili Kuiper, Esq., [kkuiper@vtlegalaid.org](mailto:kkuiper@vtlegalaid.org)  
Eric Schultheis, Esq., [ESchultheis@vtlegalaid.org](mailto:ESchultheis@vtlegalaid.org)  
Christina McLaughlin, [Christina.McLaughlin@vermont.gov](mailto:Christina.McLaughlin@vermont.gov)  
Amerin Aborjaily, Esq., [Amerin.Aborjaily@vermont.gov](mailto:Amerin.Aborjaily@vermont.gov)  
Thomas Crompton, [Thomas.Crompton@vermont.gov](mailto:Thomas.Crompton@vermont.gov)

STATE OF VERMONT  
GREEN MOUNTAIN CARE BOARD

In re: MVP Health Plan, Inc. 2021	)	
Vermont Health Connect Rate Filing	)	DOCKET NO. GMCB-006-20rr
	)	
SERFF No. MVPH-132371260	)	
	)	

**MVP’S RESPONSES TO THE GREEN MOUNTAIN CARE BOARD’S FIRST SET OF  
NON-ACTUARIAL INTERROGATORIES**

MVP Health Plan, Inc., (“MVP”) by and through Primmer Piper Eggleston & Cramer PC hereby objects to the Green Mountain Care Board’s (“GMCB” or “Board”) June 12, 2020 First Set of Non-Actuarial Interrogatories pursuant to 8 V.S.A. § 4062 and 18 V.S.A. § 9375(b)(6) as follows:

**NON-ACTUARIAL INTERROGATORIES**

1. Last year, MVPHP provided information regarding its pending action against the federal government, *Common Ground Healthcare Cooperative v. United States*, in its June 21, 2019 response to question #2 of HCA non-actuarial questions in GMCB-05-19rr. Please provide an update including any changes in the nature and amount of damages you are seeking in the case; the status of the proceedings; and the timeframe within which you expect the claim to be resolved.

**Response to Non-Actuarial Interrogatory No. 1: MVP Health Plan, Inc. (HIOS 56184 and HIOS 77566) is an opt-in class member of the cost-sharing reduction class action captioned *Common Ground Healthcare Coop. v. United States*, 142 Fed. Cl. 38 (2019). Since MVP’s response to this inquiry last year, the Government appealed the decision on December 16, 2019 to the United States Court of Appeals for the Federal Circuit, where the appeal remains pending. The nature and amount of damages sought for 2017 and 2018 CSR payments remain unchanged. In addition, the Government and MVP have begun the CSR reconciliation process for 2019 CSR payments and have not yet come to an agreement on the**

amount of 2019 reconciliation payments. Generally, because of COVID-19, courts have been delayed in deciding cases. At this time, it is unknown when we will receive a decision.

2. Please specify whether MVPHP has a pending case against the federal government to recoup unpaid risk corridor payments and the amount, if any, MVPHP is seeking to recover.

**Response to Non-Actuarial Interrogatory No. 2:** The risk corridor program was designed to mitigate unexpected gains and losses when the ACA was rolled out in 2014 – 2016. The *Maine Cmty. Health Options* decision was rendered on April 27, 2020. *Maine Cmty. Health Options v. United States*, 140 S. Ct. 1308, 1331 (2020). In complex litigations such as this, it typically takes a great deal of time to work through a number of procedural and process issues and it is likely that there will be no resolution of the risk corridor litigation in the foreseeable future, much less when or if payments will be made to health insurers. The outstanding receipts below are due to MVP because claim experience was unfavorable relative to expectations, and the receipts mitigate a portion of the losses experienced in these blocks of business.

<b>Program</b>	<b>Outstanding Balance</b>
<b>RC VT Individual 77566</b>	<b>\$1,121,741</b>
<b>RC VT Small Group 77566</b>	<b>\$663,839</b>
<b>Total</b>	<b>\$1,785,580</b>

However, whether any health insurers will receive risk corridor payments for the years 2014-2016 and any amounts they might receive is entirely speculative at this time.

3. Please provide more detail on the extent to which MVPHP expects to participate in OneCare Vermont 2021. Please describe the following:

a. which populations you expect to include in an agreement with OneCare, if any;

**Response to Non-Actuarial Interrogatory No. 3(a):** [REDACTED]

b. whether you expect to include upside risk, downside risk, or both;

**Response to Non-Actuarial Interrogatory No. 3(b):** [REDACTED]

c. whether you plan to implement your fixed prospective payments; and

**Response to Non-Actuarial Interrogatory No. 3(c):** [REDACTED]

d. any impact you expect your OneCare participation to have on rates.

**Response to Non-Actuarial Interrogatory No. 3(c):** [REDACTED]

**Whatever impact the program has on 2020 claims expense would factor into our 2022 rates however, COVID-19 will make understanding true impact challenging.**

Dated: June 19, 2020.

PRIMMER PIPER EGGLESTON & CRAMER PC

By: /s/ Gary F. Karnedy  
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](mailto:gkarnedy@primmer.com)  
[rlong@primmer.com](mailto:rlong@primmer.com)

*Attorneys for MVP Health Plan, Inc.*

STATE OF VERMONT  
GREEN MOUNTAIN CARE BOARD

In re: MVP Health Plan, Inc. 2021 )  
Vermont Health Connect Rate Filing ) DOCKET NO. GMCB-006-20rr  
)  
SERFF No. MVPH-132371260 )  
)

**CERTIFICATE OF SERVICE**

I, Ryan M. Long, Esq., hereby certify that I have served a copy of *MVP Health Plan, Inc.'s Responses to The Green Mountain Care Board's First Set of Non-Actuarial Interrogatories* via e-mail upon the following:

Michael Barber, Esq.  
Green Mountain Care Board  
144 State Street  
Montpelier, VT 05602  
[Michael.Barber@vermont.gov](mailto:Michael.Barber@vermont.gov)

Amerin Aborjaily, Esq.  
Green Mountain Care Board  
144 State Street  
Montpelier, VT 05602  
[Amerin.Aborjaily@vermont.gov](mailto:Amerin.Aborjaily@vermont.gov)

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

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

Dated at Burlington, Vermont, this 19<sup>th</sup> day of June, 2020.

PRIMMER PIPER EGGLESTON & CRAMER PC

By: /s/ Ryan M. Long  
Ryan M. Long, Esq.  
Gary F. Karnedy, Esq.  
Michelle T. Bennett, Esq.  
30 Main Street, Suite 500  
P.O. Box 1489  
Burlington, VT 05402-1489  
(802) 864-0880  
[gkarnedy@primmer.com](mailto:gkarnedy@primmer.com)  
[rlong@primmer.com](mailto:rlong@primmer.com)  
[mbennett@primmer.com](mailto:mbennett@primmer.com)

*Attorneys for MVP Health Plan, Inc.*