

STATE OF VERMONT
GREEN MOUNTAIN CARE BOARD

In re: Party Status of the Office of the)
Health Care Ombudsman Under)
Expedited Rule GMCB 2012-01A: Rate Review)
_____)

**Order Waiving Application of Expedited Rule GMCB 2012-01A: Rate Review, § 10(b)
as to the Office of the Health Care Ombudsman**

Pending adoption of proposed GMCB Rule 2.000, Expedited Rule GMCB 2012-01A governs the Green Mountain Care Board’s rate review process. Section 10(b) of the Expedited Rule requires the Office of the Health Care Ombudsman (HCO) to participate as a party in every rate review proceeding.

In the course of reviewing the proposed permanent rate review rule, attorneys from Legislative Council raised questions about whether the Board has the statutory authority to require the Health Care Ombudsman to appear as a party in every rate review proceeding. In response, the Board amended the proposed permanent rule to permit, but not require, the HCO to appear as a party. With that change, the Legislative Committee on Administrative Rules approved the proposed permanent rule at its November 15, 2012 meeting.

Because it would be inconsistent to continue to enforce § 10(b) of the Expedited Rule as to the HCO in light of the above, the Board, pursuant to § 15(a) of Expedited Rule GMCB 2012-01A, hereby waives application of § 10(b) of Expedited Rule GMCB 2012-01A to the extent it requires the HCO to be a party in every rate review proceeding. Further, the HCO may participate as a party by filing a notice of appearance with the Board no later than seven days from the date on which the Commissioner of the Department of Financial Regulation issues the applicable recommendation. This order applies to any rate filings for which the Commissioner

issues a recommendation on or after the date of this order and before the effective date of the Board's permanent rate review rule.

So ordered.

Dated: November 29, 2012
Montpelier, Vermont

s/ Anya Rader Wallack)
)
s/ Alfred Gobeille)
)
s/ Karen Hein)
)
s/ Cornelius Hogan)
)
s/ Allan Ramsay)

GREEN MOUNTAIN
CARE BOARD
OF VERMONT

Filed: November 29, 2012

Attest: s/ Janet Richard
Green Mountain Care Board
Administrative Services Coordinator

cc (by e-mail): Susan Gretkowski, Esq., Senior Governmental Affairs Strategist, MVP Healthcare
Jacqueline Hughes, Esq., counsel for BlueCross and Blue Shield of Vermont
Lila Richardson, Esq., Office of the Health Care Ombudsman