

Green Mountain Care Board
Accountable Care Organization Oversight
Procedure and Guidance re Rule 5.000, § 5.202(b)(3)

This document establishes a procedure and guidance for accountable care organizations (ACOs) regarding Green Mountain Care Board (GMCB) Rule 5.000, § 5.202(b)(3). This section of Rule 5.000 states that, “for each commercial insurer the ACO contracts with that has a Vermont market share of greater than five percent (5%), [the ACO’s governing body must include] at least one Enrollee member who is a beneficiary of that commercial insurer.”

In calculating a commercial insurer’s Vermont market share for purposes of § 5.202(b)(3), an ACO must use data in the most recent Annual Statement Supplement Market Share Report (ASSR) as of the date the calculation is performed (see below). ASSRs can be found on the GMCB’s website. An ACO must calculate the Vermont market share of a commercial insurer as follows:

1. Numerator = The sum of the specific insurer’s “Vermont Lives” as found on the “All Major Medical Insurers” and “Medicare Advantage (Part C) Insurers” pages.
2. Denominator = The sum of all insurers’ “Vermont Lives” as found on the “All Major Medical Insurers” and “Medicare Advantage (Part C) Insurers” pages.

An ACO should not round up for purposes of determining whether a commercial insurer’s market share exceeds the 5% threshold.

An ACO must calculate a commercial insurer’s Vermont market share when it signs a contract with the insurer or when it begins performing under a contract with the insurer, whichever occurs first. Thereafter, the ACO must calculate the insurer’s Vermont market share annually at the beginning of ACO’s fiscal year. The ACO must notify the GMCB within fifteen calendar days that it is contracting with a commercial insurer that has a Vermont market share of greater than 5%.

This document does not affect an ACO’s other notice requirements established by statute, rule, or order.

Dated: May 27, 2020 at Montpelier, Vermont.

