

GREEN MOUNTAIN CARE BOARD (GMCB)
GMCB Board Meeting Minutes
Wednesday, June 30, 2021
10:00 am

Attendance

Kevin J. Mullin, Chair (*via Microsoft Teams*)
Susan J. Barrett, JD, Executive Director (*via Microsoft Teams*)
Michael Barber, General Counsel (*via Microsoft Teams*)
Robin Lunge, JD, MHCDS (*via Microsoft Teams*)
Maureen Usifer (*via Microsoft Teams*)
Jessica Holmes, PhD (*via Microsoft Teams*)
Tom Pelham (*via Microsoft Teams*)

Executive Director's Report

Chair Mullin called the meeting to order at approximately 10:00 am. Susan Barrett announced the [July Board Meeting schedule](#) is posted on the GMCB website and reviewed the [open special comment periods](#).

Minutes

The Board voted (5-0) to approve the minutes from June 23, 2021.

2020 Annual Scale Report

Michele Degree, Health Policy Advisor, GMCB
Sarah Lindberg, Director of Health Systems Data Analytics, GMCB

Michele Degree presented the results of Performance Year Three (PY3) for the Vermont All-Payer Model (APM), the attribution for PY3, and the factors influencing scale targets. Sarah Lindberg described four alternative ways to measure scale in the APM. Michele Degree discussed the conclusions from the report. [The presentation can be seen here on the GMCB website](#). The Board Members had a discussion about how the model is changing over time and agreeance with the alternative ways to measure scale. Chair Mullin explained that the 2020 Annual Scale Report will be sent to the Center for Medicare and Medicaid Innovation (CMMI).

Public Comment

None

Agency of Human Service (AHS) APM Update

Mike Smith, Secretary of the Agency of Human Services

Secretary Smith discussed appreciation for the different approaches to measure scale in the APM, the challenges with the denominator and numerator for scale, the focuses of AHS, the current negotiations for a potential extension of the model, and the commitment to moving toward a value-based system. The Board Members had a discussion with Secretary Smith about the Medicaid cost shift, the possible extension of the model due to the impacts of the pandemic, how to shift the commercial market to true fixed payments, and implementing fixed payments across the whole system.

Public Comment

Hamilton Davis, Journalist and Policy Analyst
Julie Wasserman, MPH, Health Policy Consultant

Clover Health Partners, LLC Waiver Request

Russ McCracken, Staff Attorney, GMCB

Russ McCracken explained that Clover Health Partners, LLC (Clover Health) is already operating in the State of Vermont and that as a Direct Contracting Entity, Clover Health, is subject to the Board's oversight of ACOs under 18 V.S.A. § 9382 and GMCB Rule 5.000. Clover Health is not subject to the certification requirement but would be subject to annual budget review and approval, unless waived by the Board. Russ McCracken noted the reports and news coverage regarding investigations and legal proceedings involving Clover Health and Clover Health's responses and public disclosure to those reports. Russ McCracken also reviewed Clover Health's request to waive GMCB Rules 5.400 and 5.500 and outlined potential actions that the Board can take. [The presentation can be seen here on the GMCB website](#). The Board Members discussed the request for a waiver to the rules.

Board Member Lunge moved to find that the premature general knowledge of the legal advice of the Board's counsel regarding Clover Health's waiver request would clearly place the Board at a substantial disadvantage in any challenge that may arise out of the Board's decision. Board Member Usifer seconded the motion. The Board voted (5-0) to approve the motion. Board Member Lunge moved that the Board go into executive session to consider confidential attorney client communications regarding Clover Health's waiver request under the provisions of Title 1, section 313(a)(1)(F) of the Vermont Statutes. Board Member Holmes seconded the motion. The Board voted (5-0) to approve the motion.

The Board went into executive session at approximately 11:30 am until 12:00 pm.

The Board returned from executive session and continued discussion of the waiver request. Board Member Lunge moved to deny Clover Health's request for a waiver from the ACO budget process. Board Member Usifer seconded the motion. The Board voted (5-0) to approve the

motion. Board Member Lunge moved to delegate to the legal and policy team the task to come up with a budget process and reporting criteria that are appropriate to the size and scope of Clover Health, and that the process would include input from Clover Health and the Office of the Health Care Advocate. Board Member Holmes seconded the motion. Eric Schultheis from the Office of the Health Care Advocate confirmed participation. The Board voted (5-0) to approve the motion.

Public Comment

None

Old Business

None

New Business

None

Adjourn

The Board voted (5-0) to adjourn at approximately 12:10 p.m.