

GREEN MOUNTAIN CARE BOARD (GMCB)  
GMCB Board Meeting Minutes  
Wednesday, October 13, 2021  
1:00 pm

**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)*  
Jessica Holmes, PhD *(via Microsoft Teams)*  
Tom Pelham *(via Microsoft Teams)*

**Executive Director's Report**

Chair Mullin called the meeting to order at approximately 1:00 pm. Susan Barrett announced the Board received OneCare Vermont's FY22 budget on October 1, 2021 and the 2022 certification form on August 30, 2021. OneCare Vermont will present the FY22 budget at the Board meeting on November 10, 2021, and the GMCB staff will present their analysis to the Board on December 8, 2021. Susan Barrett reviewed [the special comment periods posted on the GMCB website](#). The October Press Release has been updated with a Board Meeting on Friday, October 15, 2021 at 10:00 am. Susan Barrett reviewed [the schedule for the rest of October](#).

**GMCB Data and Analytical Team's Research and Reporting Priorities for 2022-2023**

Sarah Lindberg, Director of Health Systems Data Analytics, GMCB

Sarah Lindberg reviewed the GMCB's data statutory duties, the data and analytical team's work, the progress made on the 2020-2021 analytic plan, the core questions of the data and analytical team, the key priorities of the Board Members, and the projects for 2022-2023. [The presentation can be seen here on the GMCB website](#). The Board Members thanked the GMCB staff and Board Member Pelham discussed Vermont's QHP Benchmark Plan. The GMCB is currently hiring for a data and reporting project manager.

**Public Comment**

Sam Peisch, Health Policy Analyst, Office of the Health Care Advocate, Vermont Legal Aid  
Walter Carpenter, Health Care Advocate

**Minutes**

The Board voted (4-0) to approve the minutes from September 13, 2021 and September 15, 2021, with a correction to the minutes of September 15, 2021 that it was a Wednesday not a Monday.

## **2022 Budget Guidance and Reporting Requirements for Medicare-Only Non-Certified Accountable Care Organizations (ACOs)**

Russ McCracken, Staff Attorney, GMCB

Russ McCracken explained that this is the first time the Board has had guidance for this type of ACO. Russ McCracken reviewed the applicable statute and rule, the scope of the guidance, procedural background, and [the draft guidance](#). [The presentation can be seen here on the GMCB website](#). Russ McCracken then summarized the comments and questions from Clover Health after meeting with them and the Health Care Advocate. The Board Members had a discussion and asked questions regarding public comment on the guidance, the oath and penalty in the guidance, and fixed prospective payments.

David Ault, an attorney for Clover Health, presented comments and Chair Mullin summarized the four items to consider from Clover Health: the standards for approving or adjusting an ACO's budget and evaluating its reporting, having reporting obligations tied to state health care goals, aligning the reporting and budget review timeline with when the ACO commits to participate in the state, and adding an exemption from the guidance for entities with a small presence in Vermont. Eric Schultheis, Staff Attorney, gave feedback from the Office of the Health Care Advocate that meetings with GMCB staff regarding the guidance have been productive and they are happy with the collaboration and compromises reached. David Ault, Counsel, asked that the Board consider the items raised by Clover Health.

### **Public Comment**

David Ault, Counsel, Faegre Drinker Biddle & Reath LLP  
Walter Carpenter, Health Care Advocate  
Eric Schultheis, Staff Attorney, Office of the Health Care Advocate, Vermont Legal Aid

### **Old Business**

None

### **New Business**

None

### **Adjourn**

The Board voted (4-0) to adjourn at approximately 2:25 p.m.