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June 29th, 2021

Kevin Mullin, Chair
Green Mountain Care Board
144 State Street
Montpelier, VT 05602

Re: HCA Public Comment regarding Request from Clover Health Partners that the GMCB waive the requirements of GMCB Rule 5.400 and GMCB Rule 5.500

Dear Chair Mullin and Members of the Green Mountain Care Board:

The Office of the Health Care Advocate (HCA) thanks you for the opportunity to comment on the request from Clover Health Partners that the Board waive the requirements of GMCB Rule 5.400 (Board's review and approval of an ACO's annual budget) and GMCB Rule 5.500 (Board's monitoring and enforcement of ACOs) for Clover Health.

In this regard, we **urge the GMCB to reject** Clover Health's request to waive the requirements of GMCB Rule 5.400 and 5.000. As is now widely known, Clover Health faces numerous investigations from government agencies such as the Department of Justice, the Securities and Exchange Commission, and the New Jersey State Commission of Investigation into its business model, financial activities, leadership, and overall approach to providing health care related services. By its own admission, it also lacks any evidence base for the efficacy of its health programs and platforms beyond its own internal, self-evaluated and marketing-focused investor presentations. We believe these documented concerns pose substantial potential risks to Vermonters and the State, thus warranting the need for careful regulation and oversight.

We further note that the basis of Clover's request for a broad waiver of GMCB budgetary oversight is essentially that it is a Medicare only ACO. When the legislature set out the requirements for ACO budget oversight, it could have exempted Medicare only ACOs but did not. We therefore believe Clover's waiver request conflicts with 18 V.S.A. §9382 Oversight of Accountable Care Organizations.

We are happy to work with GMCB Board staff to determine an appropriate process to regulate and evaluate a Medicare only ACO in Vermont. Thank you for considering these comments.

Sincerely,

s\ Sam Peisch, Health Policy Analyst

s\ Mike Fisher, Chief Health Care Advocate