

# MITCHELL | WILLIAMS

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March 3, 2015

VIA EMAIL - [Donna.Jerry@state.vt.us](mailto:Donna.Jerry@state.vt.us)

Ms. Donna Jerry  
Senior Health Policy Analyst  
Green Mountain Care Board  
89 Main Street, Third Floor, City Center  
Montpelier, Vermont 05620

Re: United Healthcare of New England, Inc.: Request for Jurisdictional Determination  
regarding Certificate of Need process

Dear Ms. Jerry:

On behalf of our client, United Healthcare of New England, Inc. ("UHC NE"), we are writing to request a jurisdictional letter from the Green Mountain Care Board ("GMCB") regarding a proposed expansion of service area.

UHC NE previously submitted a request for a jurisdictional letter to the GMCB regarding the Certificate of Need ("CON") process on March 3, 2014, which is attached to this letter as Exhibit 1. As stated in that letter, UHC NE applied for a Certificate of Authority from the Vermont Department of Financial Regulation to operate in the state as a foreign health maintenance organization to offer Medicare Advantage plans and/or Medicare Part D Prescription Drug plans ("MAPD" plans)—with enrollment beginning January 1, 2015. UHC NE is a subsidiary of UnitedHealth Group, based in Minnesota. UHC NE developed the MAPD plans and began offering those plans on January 1, 2015 in Vermont. UHCNE is currently authorized to provide services in three Vermont counties—Chittenden, Washington, and Windham. UHC NE is now proposing to expand its service area in Vermont to two additional counties—Bennington and Rutland.

In the March 3, 2014 letter we addressed why UHC NE's business in Vermont would not constitute a "new healthcare project" under paragraphs (1) through (6) of 18 V.S.A. § 9432(8)(B) and thus would not be subject to the CON review process. In a response letter dated March 24, 2014, GMCB stated that "the project as represented is not subject to Certificate of Need Review." The response letter is attached as Exhibit 2 to this letter.

The expansion of UHC NE's MAPD plan business in Vermont does not change the factors addressed in our March 3, 2014 letter, which remain true in regard to the expanded business. Accordingly, we submit that the section 9432(8)(B) factors remain inapplicable.

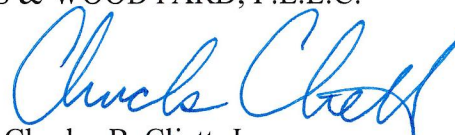
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UHC NE requests a jurisdictional letter regarding the planned expansion of its MAPD plan business. We appreciate the GMCB's review of these matters. Because of UHC NE's contracting process with the Centers for Medicare and Medicaid Services, we request such a letter by April 1, 2015. Should you have any questions or need additional information, please let us know. Thank you very much.

Sincerely,

MITCHELL, WILLIAMS, SELIG,  
GATES & WOODYARD, P.L.L.C.

By



Charles B. Cliett, Jr.

CBC:dl  
Enclosure