



To: Alena Barube, Melissa Miles, Marisa Melamed, and Lynn Combs, Green Mountain Care Board
From: Spenser Wepler, OneCare Vermont, Accountable Care Organization, LLC
Date: October 25, 2019
Subject: Q3 2019 Deliverables

Dear Alena, Melissa, Marisa and Lynn,

Please find enclosed all of the attachments for our Q3 2019 deliverables. Below is a summary the deliverables that are included in this email in the order they are attached.

- VBIF Variability Memo
- Summary of Innovation Fund Projects
- Summary of Specialist Payment Pilots
- 2018 CPR Summary Report

Additionally the 2018 CPR Summary Report is a redacted version that reflects OneCare's claims for exemption from public disclosure of the matters reported to the Board for the following reasons.

(1) Financial Information

The report contains financial information about OneCare, that is, the payment amounts to participating partial CPR providers. Similar information, audit reports, cash flow analysis, account reconciliations, reports on productivity, were withheld from production in *Mount Mansfield Television, Inc. v. Babock*, 1990 WL 105232678 (Vt. Super., No. S. 1418-89, April 5, 1990) (also finding the information was trade secret).

(2) Trade Secrets

This report contains proprietary pricing and program design elements that have been developed over several years by OneCare's analysts and finance staff and that has been kept confidential within OneCare. The figures are derived from data that includes claims data from payers (Medicare, Medicaid, Blue Cross and self-funded plan) that OneCare receives pursuant to contracts with the payers. Were this information that OneCare generally protects to become public, it would be to OneCare's commercial disadvantage. Either other ACOs or payers would gain access to the capitation amounts and process of developing those amount and measuring their impact which could be used to OneCare's disadvantage either in negotiating program agreements with the payers; or by other ACOs (or payers) to take known processes and use them to compete.

The information falls within the sphere of what has been protected by courts. See, e.g. *Food Marketing Inst. V. Argus Leader Media*, 139 S.Ct. 2356 (2019) (protecting SNAP redemption data from grocery retailers, voluntary production to the government notwithstanding); *People for the Ethical Treatment of Animals v. U.S. Dep't of Health and Human Serv.*, 901 F.3d 343 (DC Cir. 2018) (protecting shipment information); *Planned Parenthood of the Great Northwest v. Azar*, 352 F. Supp.3d 1057 (W.D. WA 2018)



(protecting grant application that contained proprietary information regarding pricing); Long v. City of Burlington, 199 A.2d 542 (D. Vt. 2018) (protecting market feasibility study); Springfield Ry. Co. v. Agency of Transp., 816 A.2d 448 (Vt. 2002) (protecting balance sheets, cash flow statements, revenue histories, supervision information, plans for proposed service . . .); Mount Mansfield Television, Inc. v. Babcock, supra (protecting actuarial reports from Blue Cross, cash flow analysis, productivity reports, reconciliations of accounts).

Thank you for your consideration of these requests. Should the Board disagree in any manner, we ask that OneCare be given the opportunity to retract this information.

Please let us know if you have any additional questions.

Thank you,

Spenser Wepler
OneCare Vermont

Attachments (4)