

STATE OF VERMONT
GREEN MOUNTAIN CARE BOARD

In re: Time to File Memoranda in Lieu of Hearing Under)
Expedited Rule GMCB 2012-01A: Rate Review)
_____)

Order Waiving § 13 of Expedited Rule GMCB 2012-01A: Rate Review

Pending adoption of GMCB Rule 2.000, Expedited Rule GMCB 2012-01A governs the Green Mountain Care Board's rate review process. Section 13 of the Expedited Rule requires that when no rate review hearing is to occur, the parties may submit written memoranda in lieu of hearing no later than five business days before the scheduled hearing date.

Given the statutory 30-day limit for the Board's consideration of a recommendation from the Department of Financial Regulation, the Expedited Rule's filing deadline for memoranda may occur before the parties have the opportunity to fully review the recommendation. With insufficient time to decide whether to waive the hearing, the parties have instead filed motions seeking extensions of the deadline for filing memoranda. To date, the Board has granted each such motion. To remedy this problem, GMCB proposed Rule 2.000: Rate Review, which will make memoranda in lieu of hearing due on or before the hearing date, eliminating the five-business-day deadline. *See* Proposed Rule 2.000: Rate Review, § 2.404, *available at* <http://gmcboard.vermont.gov/sites/gmcboard/files/DraftRule062612.pdf>.

Until Rule 2.00 is in effect, the Board hereby exercises its authority under Section 15(a) of the Expedited Rule and waives application of Section 13's requirement that memoranda in lieu of hearing be filed no later than five business days before the hearing date scheduled by the Board. Further, the Board hereby orders that memoranda in lieu of hearing must be submitted on

or before the hearing date. Finally, the Board reserves the right to order different deadlines for submission of memoranda as circumstances require.

So ordered.

Dated: August 13, 2012
Montpelier, Vermont

GREEN MOUNTAIN CARE BOARD OF VERMONT

By: s/ Anya Rader Wallack, Chair

Filed: August 13, 2012

Attest: s/ Janet Richard
Green Mountain Care Board
Administrative Services Coordinator

cc (by e-mail): Susan Gretkowski, Esq., Senior Governmental Affairs Strategist, MVP Healthcare
Jacqueline Hughes, Esq., counsel for BlueCross and Blue Shield of Vermont
Lila Richardson, Esq., Office of the Health Care Ombudsman