

**Green Mountain Care Board**  
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*Kevin Mullin, Chair*  
*Jessica Holmes, PhD*  
*Robin Lunge, JD, MHCDS*  
*Maureen Usifer*  
*Susan Barrett, JD, Executive Director*

**To:** Members of the Legislative Committee on Administrative Rules  
Charlene Dindo, Vermont Legislative Council  
**From:** Kevin Mullin, Green Mountain Care Board  
**Date:** October 6, 2017  
**Re:** Second Written Proposal for Changes to Proposed Rule 5.000: Oversight of Accountable Care Organizations (17P-015).

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In response to comments submitted by the Office of the Health Care Advocate, the Green Mountain Care Board would like to make the following changes to proposed Rule 5.000: Oversight of Accountable Care Organizations.

A. Amend section 5.208 (Patient Protections), subsection (i), as follows:

(i) An ACO must provide notify new Enrollees with a written, plain language notice that they are attributed to the ACO. This requirement does not apply with respect to Enrollees attributed to an ACO under a Medicare ACO program or to require the ACO's Participants to provide notification to their patients at the point of care that the Participant is participating in the ACO. This requirement does not apply if Enrollees who will be notified by a Payer that they are attributed to the ACO.

B. Amend section 5.208 (Patient Protections) by deleting subdivision (e)(3).

C. Amend section 5.208 (Patient Protections) by adding a new subsection in between subsections (d) and (e) and renumbering all subsequent subsections, as follows:

(e) An ACO may not prohibit any individual or organization from, or penalize any individual or organization for, reporting any act or practice of the ACO that the individual or organization reasonably believes could jeopardize patient health or welfare, or for participating in any proceeding arising from such report.

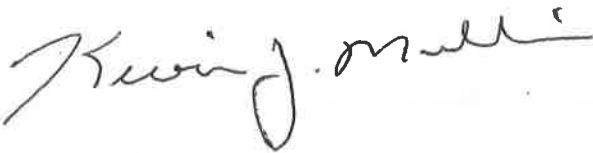
(e)(f) An ACO may not prohibit . . . .

D. Amend section 5.503 (Monitoring) by adding a new subsection (d), as follows:

(d) If the Board has reason to suspect that an ACO, or any individual or entity working with or on behalf of an ACO, is engaging in anticompetitive behavior without the specific behavior creating a countervailing benefit of improving patient care, improving access to health care, increasing efficiency, or reducing costs, the Board will provide written notice to the individual or entity of such concerns and may require the individual or entity to respond to the concerns in writing within a specified time period. After providing the individual or entity notice and an opportunity for a hearing, the Board may refer the matter to the Attorney General for appropriate action.

Please contact Michael Barber, Associate General Counsel, with any questions regarding these changes.

Sincerely,

A handwritten signature in cursive script that reads "Kevin Mullin". The signature is written in dark ink and is positioned above the typed name.

Kevin Mullin, Chair  
Green Mountain Care Board

