



Vermont Developmental Disabilities Council

100 State Street STE 342
Montpelier, VT 05633-0206

(802) 828-1310
vtddc@vermont.gov
www.ddc.vermont.gov

November 4, 2019

Health Reform Oversight Committee

Dear Honorable Members of the Health Reform Oversight Committee;

Today's agenda indicates that you will be discussing the Chairman of the Green Mountain Care Board's request for Medicaid funding to support OneCare Vermont. As you do, I hope you will consider these comments from the Vermont Developmental Disabilities Council.

The Vermont Developmental Disabilities Council (VTDDC) is a statewide board created by the federal Developmental Disabilities Assistance and Bill of Rights (the DD Act), first adopted by Congress in 1970. VTDDC is charged under federal law with engaging in "advocacy, capacity building and systems change activities that... contribute to the coordinated, consumer-and-family-centered, consumer-and-family directed, comprehensive system that includes needed community services, individualized supports, and other forms of assistance that promote self-determination for individuals with developmental disabilities and their families." Medicaid is the primary funding source for the services needed by the Vermonters that we represent.

The VTDDC is concerned that the Chairman of the Green Mountain Care Board made his Medicaid funding request to the Governor and the Secretary of the Agency of Human Services without the Green Mountain Care Board holding a public discussion and vote on the issue of using more Medicaid funds to support OneCare.

The VTDDC is also concerned that the Green Mountain Care Board is publicly lobbying for funding for the ACO that it regulates. This raises the question of whether the Green Mountain Care Board is promoting or regulating OneCare?

This question has been raised previously. In the course of reviewing the GMCB's proposed ACO regulations, the Legislative Committee on Administrative Rules stated the following in a letter to the Chairs of the committees of jurisdiction (January 22, 2018).¹

Although LCAR approved this rule, LCAR also voted pursuant to 3 V.S.A. § 817(e) to request that the standing committees of jurisdiction review the dual nature of the Green Mountain Care Board's role in both providing regulatory oversight of ACOs and supporting their pursuit of innovation.

LCAR's request for this review is based on the concern that this duality of roles may cause the Green Mountain Care Board to have competing and potentially conflicting obligations related to ACOs. LCAR's concern is heightened because the State's EB-5 program similarly required the Agency of Commerce and Community Development to have the competing obligations of both promoting and regulating that program, ultimately with negative results. The Chair of the Green Mountain Care Board indicated on the record at LCAR's October 12 meeting that he would welcome a discussion with your committees about the Board's role and its duties.

Delivery System Reform Dollars

Vermont's most recent Medicaid waiver gave Vermont new authority to spend money on Delivery System Reforms in two categories: Category One consists of funding to Accountable Care Organizations;; and Category Two consists of funding to Medicaid community-based providers, including designated and specialized services agencies, substance use disorder providers, and long-term services and supports providers.

There is no public process for applying for the funding. The only path to the funding is through DVHA contracts. To date, DVHA has given Medicaid Delivery System Reform funds only to OneCare Vermont.

OneCare Vermont received nearly \$2 million of Medicaid funds in State FY 2018.

In budget documents and reports submitted to the Green Mountain Care Board,² OneCare has also reported that it received more than \$10 million of Delivery System Reform investments in 2019. However, these expenditures are not reflected in the State's global Commitment Reports for MCO spending.



LCAR .pdf

According to public statements,³ the Green Mountain Care Board is considering the Delivery System Reform funds included in OneCare's budget as though the funds have been appropriated. The Council requests that prior to any such appropriation there be a full and transparent discussion about how to best invest Vermont's limited Delivery System Reform dollars.

³ https://vtdigger.org/2019/10/20/onecare-vermont-seeks-approval-of-1-36-billion-budget/?is_wppwa=true&wpappninja_cache=friendly

MAILING ADDRESS: 115 STATE STREET MONTPELIER, VT 05633-5301 SEN. JOSEPH BENNING SEN. VIRGINIA LYONS SEN. MARK MACDONALD SEN. MICHAEL SIROTKIN TELEPHONE: (802) 828-2231 FAX: (802) 828-2424 REP. ROBIN CHESNUT-TANGERMAN REP. LINDA MYERS REP. AMY SHELDON REP. MICHAEL YANTACHKA **STATE OF VERMONT**
Legislative Committee on Administrative Rules (LCAR)

VT LEG #327679 v.1

To: Sen. Claire Ayer, Chair, Senate Committee on Health and Welfare
Rep. William J. Lippert, Jr., Chair, House Committee on Health Care
CC: Jennifer Carbee, Legislative Counsel
From: Sen. Mark MacDonald, Chair, LCAR
Date: January 22, 2018
Subject: Request for review of Green Mountain Care Board roles regarding ACOs

On October 12, 2017, LCAR approved with modifications Rule 17-P15, regarding the Green Mountain Care Board's oversight of accountable care organizations (ACOs).

Although LCAR approved this rule, LCAR also voted pursuant to 3 V.S.A. § 817(e) to request that the standing committees of jurisdiction review the dual nature of the Green Mountain Care Board's role in both providing regulatory oversight of ACOs and supporting their pursuit of innovation.

LCAR's request for this review is based on the concern that this duality of roles may cause the Green Mountain Care Board to have competing and potentially conflicting obligations in regard to ACOs. LCAR's concern is heightened because the State's EB-5 program similarly required the Agency of Commerce and Community Development to have the competing obligations of both promoting and regulating that program, ultimately with negative results. The Chair of the Green Mountain Care Board indicated on the record at LCAR's October 12 meeting that he would welcome a discussion with your committees about the Board's role and its duties.

Thank you for your consideration of LCAR's request for this review. Please feel free to contact our committee if you would like to discuss this issue further.