

MEMORANDUM

To: Steven Costantino
From: Bradley Wilhelm
Date: February 21, 2016
Subject: Proposed changes to E.306.7

This memo is drafted in order to formally respond to two questions posed to the Department of Vermont Health Access.

Question 1: Please advise as to whether or not you are in agreement with BCBSVT's recommended revisions to the information sharing language?

The Department of Vermont Health Access does not agree with all of the proposed changes. Specifically, we are not in agreement with the proposed changes to sections (d), (f)(1), and (f)(2).

Removing sections (f)(1) and (f)(2) would defeat the purpose of this amendment. The language in (f)(1) and (f)(2) is vitally important. If that language is removed from the amendment, the Department of Vermont Health Access will not be able to comply with its duty of ensuring that Medicaid is in fact the payer of last resort.

Additionally, the Department does not agree with the proposed removal of the first five and a half lines of 33 V.S.A. § 1908(d). That language's purpose is to state, with specificity, what information insurers are required to provide under this statute, and when they must do so. Taking that language out of the amendment significantly muddies the water without providing any corresponding benefit.

The Department is agreeable to the remainder of the proposed changes.

Question 2: Does the Department concur with the decision to destroy data once the matching process is complete?

Yes, as long as we have a sufficient amount of time to conduct the matching process and ensure that the results of that process are accurate before we are required to destroy the data.