

From: Bmcattorney@aol.com <Bmcattorney@aol.com>
To: Erica.Brown@scdhhs.gov Erica.Brown@scdhhs.gov
Supra, Johnsupra@scdhhs.gov
Soura, Christian ChristianSoura@gov.sc.gov
Date: 4/23/2014 8:19:18 PM
Subject: Re: Feedback on SPV for CMS Letter

All, the lawyer's perspective:

I agree with Erica that this is a State matter and we should think very carefully about allowing them to input and shape this communication. I think all our initial reactions may be this is our business and our action item and as such we are not amenable to previewing with NFP--and SF (since my guess is that this is really a SF request).

My questions:

What is the upside for us if they do provide input? I am hard pressed to find any guaranteed upside to us, other than to avoid any possible claim that had they been able to review, they could have provided valuable input which might have resulted in an approval.

On the other hand, what is our downside to providing a copy of the draft? If we did not commit that we would use any of their comments, it might be interesting to see what these might be and they may be useful.

The CMS letter is probably discoverable at least in redacted from under FOIA (SC and/or Fed), however, so perhaps the question is why not preview with them with a willingness to consider (but not automatically adopt) any suggestions.

Also interesting to note they might want to step back from the SPV. Wonder how they would restructure to avoid contractual complexity. Monday will tell.

I am out of pocket all day Thursday, but reachable by mobile phone.

Best regards,

Barbara

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In a message dated 4/23/2014 7:41:34 P.M. Eastern Daylight Time, Erica.Brown@scdhhs.gov writes:

Hello All,

I requested feedback from NFP on the use of the SPV as a Medicaid Clearinghouse. They would like to talk about this on Monday's call (it seems that they presented the Clearinghouse model without too much thought and now that they are considering all of the implications, they want to think through alternative models before committing to using a SPV Clearinghouse).

They've also requested that we share a copy of the letter to CMS with them and provide the opportunity for them to offer feedback. I told them I'd find out if the state thinks it would be appropriate to share our draft letter with them (or a redacted version). I think this is a state issue so I was inclined to say no but wanted to check. Please let me know your thoughts.

Thanks!

-Erica

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