



2.11.2020 CareOregon Testimony on SB 1551

Thank you for this opportunity to express concern about Section 5 of SB 1551. CareOregon, a nonprofit that has served Oregon Health Plan members for over 25 years, is a founding member of Health Share of Oregon, the Coordinated Care Organization that contracts to manage Medicaid benefits in the Portland Metro area. CareOregon manages physical health benefits for 200,000 of Health Share's 300,000 members, and dental health benefits for 70,000. Additionally, CareOregon manages OHP benefits for 30,000 members in Jackson County through ownership of Jackson Care Connect, and 25,000 members in Clatsop, Columbia and Tillamook counties through ownership of Columbia Pacific CCO.

We believe any entity that provides public programs, using public funding, has an obligation to be transparent. Furthermore, we believe the information that we are currently providing to the OHA accomplishes what this provision attempts to achieve. The OHA has 100% access to all Medicaid encounter data submitted by CCOs. If the agency wanted or needed more information than provided, they currently have the ability to further analyze existing data to ascertain any information they might need.

In 2019, OHA moved to a new reporting form (L16) intended to increase transparency around provider payments. This transparency with the OHA and agency actuaries will be critical as we move towards innovative Value Based Payment arrangements with our provider networks. This innovation is possible because CCOs can currently develop payment models that attract and sustain provider networks in unique ways. Removing the protection provided by state and federal trade secret statute would significantly inhibit this innovation.

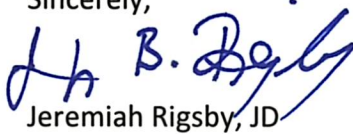
While we will continue to support efforts to improve transparency, we also recognize that Oregon's current Medicaid program remains vulnerable to competitive market forces. Current statute also acknowledges this competitive landscape, and clearly recognizes the need to protect some information that could be used as a competitive advantage within our Medicaid program (ORS 414.593).

We are concerned that Section 5, 3(c) of SB 1551 may weaken trade secret protection by creating new legislative intent to exclude the protection of existing statute within the coordinated care model.

ORS 414.593 states that each CCO must be fully transparent in the provision of information to the Oregon Health Authority; however, this statute also recognizes federal and state protections when referencing which information must be made available to the public¹. This statute recognizes the competitive reality of managed health care, as the ability to adequately contract with a provider network is central to the success of each CCO. Any proposed language that could potentially remove trade secret protection for this information would provide a competitive advantage to any entity seeking to take over any part of the coordinated care model.

Thank you for taking time to consider these concerns, if me or my staff can be of any more assistance to you in the future, please do not hesitate to reach out to us.

Sincerely,

A handwritten signature in blue ink that reads "J. B. Rigsby". The signature is stylized and cursive.

Jeremiah Rigsby, JD
Chief of Staff
CareOregon

¹ ORS 415. 593 (3)(d): Every report submitted by the coordinated care organization to the authority as required in the coordinated care organization's contract with the authority, except for reports containing information protected from disclosure by state or federal law or protected from disclosure as a trade secret, as defined in ORS 192.345, including compensation paid to providers by a coordinated care organization.