



### Consumer Participation Program

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#### Award Application Details: Health Access of California

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**Application Version:**

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Please review and approve this Application for an Award and Witness Fees if applicable.

**Approvals & Comments**   [DMHC Attachments](#)   [Send Email](#)

Entity Name:	<b>Health Access of California</b>
Submitted By:	Tam Ma
Date Submitted:	5/20/2016 11:00:23 AM
Status:	<input type="text" value="Pending"/>
Date of Decision:	<input type="text"/>
DMHC Comment:	<input type="text" value="(9000 characters remaining)"/>
Updated By:	
Updated Date:	

[Decisions & Comment History](#)   [\(Hide Details...\)](#)

*There are currently no decisions or comment history.*

[Award Application](#)   [\(Hide Details...\)](#)

 [Printer Format](#)

1. For which proceeding are you seeking compensation?

2. What is the amount requested?

3. Proceeding Contribution:

Provide a description of the ways in which your involvement made a substantial contribution to the proceeding as defined in California Code of Regulations, Title 28, Section 1010(b)(14), supported by

specific citations to the record, your testimony, cross-examination, arguments, briefs, letters, motions, discovery, or any other appropriate evidence.

(8000 characters remaining)

Health Access California submits this request for reasonable advocacy fees for our substantial contribution to the Department of Managed Health Care's (DMHC) decision regarding Centene Corporation's acquisition of Health Net, Inc. Health Access substantially contributed to DMHC's review of the proposed merger as follows: On December 7, 2015, Tam Ma, Health Access' Policy Counsel, provided oral testimony at the Department's public meeting where she highlighted concerns about Health Net's track record in abiding by consumer protections as well as the impact the merger would have on consumers. Ms. Ma specifically highlighted Health Net's deficiencies in its Routine Medical Survey, numerous enforcement actions, and low quality ratings for customer satisfaction, prevention, and treatment. She also raised concerns about Centene's track record in other states, particularly in Kentucky where it abruptly withdrew from the state's Medicaid market mid-contract, disrupting coverage and care for patients there. Health Access also collaborated with Consumers Union and Western Center on Law and Poverty to submit a list of questions that DMHC should consider and inquire of Centene and Health Net. Finally, we submitted extensive written comments on the proposed merger, and outlined how insurer consolidation affects on-going implementation of the Affordable Care Act, detailed research about mergers leading to higher prices for consumers, and how health care costs continue to be a major concern for consumers. We also raised concerns about Centene's rapid expansion in the Medicaid market and its lack of experience in the commercial market, particularly in California. The letter also detailed concerns about Health Net's failure to abide by consumer protections and provided a number of recommendations for questions and conditions that should be imposed should the merger be approved. Many of our suggestions were reflected in the DMHC's approval and associated undertakings, including the requirements to maintain Health Net's headquarters and key functions and operations in California, correct deficiencies at DMHC and DHCS, improve the accuracy and reliability of provider directories, improve quality and consumer satisfaction ratings, and support consumer assistance programs and the health care infrastructure for underserved communities, particularly in rural areas. The undertakings also address concerns we raised regarding ensuring that health care costs, particularly around unreasonable rate increases and ensuring that executive compensation and costs associated with the merger not be born by consumers. The undertakings address concerns we raised about whether Centene would maintain a presence in California's commercial market and how it would gain proficiency in the commercial market. Our involvement resulted in more relevant, credible, and non-frivolous information being available to the Director. In addition to providing oral testimony at the December 7, 2015 public meeting, we submitted the following letters: - Joint Letter - Questions for Centene and Health Net (December 14, 2014)- Health Access Comments - Centene-Health Net Merger (December 14, 2015)

- Please attach your time and billing record in the "Add Attachment" box below. In the time and billing record, include the hourly rate of compensation for each witness or advocate and a justification for each hourly rate, which may include copies of or citations to previously approved hourly rate; and each witness or advocate's resume or curriculum vitae. The time and billing record should show the date and exact amount of time spent on each specific task in thirty (30) minute increments, as defined in California Code of Regulations, Title 22, Section 1010(d)(3).

Document Name	Date Uploaded	Uploaded By	
Health Access Time Records	5/20/2016 10:59:26 AM	Tam Ma	<a href="#">View</a>
Health Access Bios and Billing Classifications	5/20/2016 10:59:43 AM	Tam Ma	<a href="#">View</a>

- Clear and concise statement of participants interest in the proceeding which explains why participation is needed to represent the interests of consumers

As the statewide health care consumer advocacy coalition, Health Access has had a longstanding commitment to protecting consumer interests and ensuring health plans comply with the consumer protections provided by the Knox-Keene Act. We have been active in raising consumer concerns in health industry transactions, including health plan mergers. Health Access has experience and expertise in the laws and regulations affecting managed care. Our participation is necessary to ensure that consumers, particularly enrollees of Health Net, are represented in this transaction. Our oral and written comments provides the Department with information regarding how health plan mergers affect competition and premiums. We also provide analysis of how health plan mergers should be reviewed in the context of California's implementation of the Affordable Care Act and detail Health Net's extensive track record of not abiding by basic consumer protections. In addition, we highlight Centene's activity in other states and raise concerns about their lack of experience in California's commercial market. We believe our participation provides informed insight and ensures that the interests of health care consumers are represented and considered during the Department's review of this transaction.

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The information contained in the Petition to Participate remains true and correct to the best of the knowledge of the person verifying the information.

Yes

I am authorized to certify this document on behalf of the applicant. By entering my name below, I certify under penalty of perjury under the laws of the State of California that the foregoing statements within all documents filed electronically are true and correct and that this declaration was executed at Sacramento (City), CA (State), on May 20, 2016.

Enter Name: Tam Ma

Account Info at Time of Submission

(Hide Details...)

**Account Information**

Organization Legal Name: **Health Access of California**  
 Organization Fictitious Name:  
 Account Type: Organization  
 Email Address: tma@health-access.org  
 Organization Phone Number: (916) 497 - 0923 ext. 201

**Physical Address**

Physical Address: 1127 - 11th Street  
 Suite: 234  
 City: Sacramento  
 State: CA  
 Zip/Postal Code: 95814

**Organization Information**

Organization Name: Health Access California  
 Is this a nonprofit organization?: Yes  
 Under what Statute is your Organization Incorporated?: Nonprofit Public Benefit Corporation Law for public and charitable purposes  
 Organization's Size: \$125,000.00  
 Organization's Structure: 501 c 4  
 Description of the Organization's General Purposes: HEALTH ACCESS CALIFORNIA is the statewide health care consumer advocacy coalition, advocating for the goal of quality, affordable health care for all Californians.

**Organization's Governing Body**

- |     |                 |           |              |
|-----|-----------------|-----------|--------------|
| 1.  | <b>Director</b> | Aaron     | Fox          |
| 2.  | <b>Director</b> | Art       | Pulaski      |
| 3.  | <b>Director</b> | Betsy     | Imholz       |
| 4.  | <b>Director</b> | Cary      | Sanders      |
| 5.  | <b>Director</b> | Christina | Livingston   |
| 6.  | <b>Director</b> | Emily     | Rusch        |
| 7.  | <b>Director</b> | Henry     | Lacayo       |
| 8.  | <b>Director</b> | Horace    | Williams     |
| 9.  | <b>Director</b> | Joan      | Pirkle Smith |
| 10. | <b>Director</b> | Jon       | Youngdahl    |

11.	<b>Director</b>	Joshua	Pechthalt
12.	<b>Director</b>	Kathy Ko	Chin
13.	<b>Director</b>	Lori	Easterling
14.	<b>Director</b>	Nancy	Brasmer
15.	<b>Director</b>	Paul	Knepprath
16.	<b>Director</b>	Reshma	Shamasundra
17.	<b>Director</b>	Rick	Schlosser
18.	<b>Director</b>	Roma	Guy
19.	<b>Director</b>	Sonya	Young
20.	<b>Director</b>	Stewart	Ferry
21.	<b>Director</b>	Ted	Lempert
22.	<b>Director</b>	Thomas	Saenz
23.	<b>Director</b>	Vanessa	Aramayo
24.	<b>Director</b>	Willie	Pelote

**Organization's Officers**

1.	<b>Executive Director</b>	Anthony	Wright
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Contact Info at Time of Submission

*(Hide Details...)*

First Name: Tam  
Last Name: Ma  
Email Address: tma@health-access.org  
Telephone Number: (916) 497 - 0923 ext. 201  
Status: Active

- Jose Tapia
- Silvia Flores
- Tam Ma
- Rick Pavich
- Robin Avant

**Health Access California**  
**Time Records - Centene-Health Net Merger**

	A	B	C	D	E
	<b>Tam Ma, Policy Counsel</b>				
	<b>Date</b>	<b>Work Performed</b>	<b>Time Spent</b>	<b>Hourly Rate</b>	<b>Total</b>
1					
2					
3	10/6/2015	Submit PRA request for filings.	0.5	\$250	\$125
4	10/19/2015	Received email from DMHC re: PRA request	0.5	\$250	\$125
5	10/27/2015	Exchange emails with DMHC re: PRA request	0.5	\$250	\$125
6	10/28/2015	Review Centene-Health Net filings	1.5	\$250	\$375
7	11/3/2015	Watch videos from UCLA panel entitled, "Is Merger Mania Healthy?"	1	\$250	\$250
8	11/10/2015	Email with Consumers Union re: mergers	0.5	\$250	\$125
9	11/16/2015	Reviewed DMHC notice of public meeting	0.5	\$250	\$125
10	11/19/2015	Exchange emails with CA Primary Care Assn re: mergers review process	0.5	\$250	\$125
11	11/19/2015	Exchange emails with Consumers Union re: DMHC public meeting	0.5	\$250	\$125
12	11/19/2015	Review Catteano & Stroud report on results of the proposed California HMO acquisitions.	0.5	\$250	\$125
13	11/24/2015	Exchange emails with Consumers Union re: research	0.5	\$250	\$125
14	12/3/2015	DMHC Consumer Advocates Meeting: discussion re: merger	0.5	\$250	\$125
15	12/3/2015	Email with Consumers Union re: research	0.5	\$250	\$125
16	12/3/2015	DMHC Consumer Advocates Meeting: discussion re: merger	0.5	\$350	\$175
17	12/3/2015	Research & review: DMHC rate review, routine medical surveys, enforcement actions, IMR, grievances and	3.5	\$250	\$875
18	12/4/2015	Research & review: OPA HMO report cards, complaint data; Quality ratings; CoveredCA enrollment & regions	3	\$250	\$750
19	12/5/2015	Research: Centene activities in other states; review articles and research re: impact of insurer mergers on consumers.	2.5	\$250	\$625
20	12/6/2015	Draft testimony for public meeting	2.5	\$250	\$625
21	12/7/2015	Edit and revise testimony for public meeting	0.5	\$250	\$125
22	12/7/2015	Attend and testify public meeting	2	\$250	\$500
23	12/7/2015	Meet with Consumers Union re: next steps	0.5	\$250	\$125

**Health Access California  
Time Records - Centene-Health Net Merger**

	A	B	C	D	E
24	12/8/2015	Research Centene enrollment and revenues; Research general enrollment in individual and group markets; health care costs and cost-sharing;	2	\$250	\$500
25	12/8/2015	Brainstorm potential undertakings to recommend	0.5	\$250	\$125
26	12/9/2015	Emails with Planned Parenthood re: consumer concerns	0.5	\$250	\$125
27	12/11/2015	Emails with Consumers Union and Western Center on Law and Poverty re: Joint Letter	0.5	\$250	\$125
28	12/12/2015	Health Access email discussion re: Joint Letter	0.5	\$250	\$125
29	12/12/2015	Draft Health Access comment letter	5.5	\$250	\$1,375
30	12/13/2015	Draft/edit Joint Letter from Health Access, Consumers Union, Western Center on Law and Poverty	1.5	\$250	\$375
31	12/14/2015	Health Access email discussion re: comment letter	0.5	\$250	\$125
32	12/14/2015	Revise comment letter and format for submission	2	\$250	\$500
33	1/27/2016	Read and send news article re: Centene data breach to DMHC	0.5	\$250	\$125
34	3/22/2016	Call with DMHC re: approval of merger; review undertakings	1	\$250	\$250
35					
36		<b>TOTAL</b>	<b>38</b>		<b>\$9,550</b>
37					
38	<b>Anthony Wright, Executive Director</b>				
39	<b>Date</b>	<b>Work Performed</b>	<b>Time Spent</b>	<b>Hourly Rate</b>	<b>Total</b>
40	10/24/2015	Research HealthNet-Centene and merger issues	1	\$350	\$350
41	10/25/2015	Draft outline of consumer issues on mergers	1.5	\$350	\$525
42	10/26/2015	Survey on how HealthNet relates to other mergers.	0.5	\$350	\$175
43	10/27/2015	Review HealthNetCentene filings	1	\$350	\$350
44	10/28/2015	Participate/discuss merger at UCLA panel entitled, "Is Merger Mania Healthy?", post-panel conversations on consumer principles	2.5	\$350	\$875
45	11/9/2015	Conversation with Consumers Union, CALPIRG re: mergers	0.5	\$350	\$175
46	11/16/2015	Reviewed/discussed DMHC notice of public meeting	0.5	\$350	\$175
47	11/18/2015	E-mail/call with CPCA on merger	0.5	\$350	\$175
48	11/25/2015	Exchange emails with staff and allies on merger research	0.5	\$350	\$175





**BETH CAPELL, PH.D.**, *Capell & Assoc.* has been the principal and owner of Capell & Assoc. since its founding in 1995. She has thirty-eight years of experience in Sacramento, working in the Legislature, various Administrations, and with various interest groups.

Beth Capell provides policy analysis, legislative advocacy, and other strategic input to Health Access and to other consumer, labor and public interest organizations on health care issues.

Health Access California sponsored the package of legislation known as the HMO Patient Bill of Rights from 1995 to its enactment in 1999. Health Access Foundation led a collaborative of consumer groups that monitored initial implementation of the more than 20 pieces of legislation enacted between 1995 and 2000 intended to protect consumers from HMOs. Health Access Foundation has continued to work on implementation and ongoing monitoring of the law with respect to consumer protections against HMOs. Beth Capell has been an architect and active advocate throughout the two decades of these efforts.

Beth Capell has worked on issues including prescription drugs, universal access, hospital overcharging, balance billing by physicians, nursing home regulations, hospital standards, health insurance regulation, and other health care issues.

Prior to establishing Capell & Assoc. Beth Capell represented the California Nurses Association from 1986 to 1995, first as the legislative advocate and later as the Director of Government Relations for the association. From 1983 to 1986, Ms. Capell worked at the California Manufacturers Association, working on job training and human resource issues, including health insurance. From 1977 to 1983, Ms. Capell worked in various positions in the Legislature, the Administration, and other efforts.

Ms. Capell has Ph.D. in political science from the University of California, Berkeley, and continues to publish articles and present papers on political science, specifically interest groups, legislatures, and the impact of legislative term limits.

**Billing classification:** Experts: 13+ years of experience. \$420/hour.

**ANTHONY WRIGHT** serves as Executive Director for Health Access California, the statewide health care consumer advocacy coalition, working on behalf of the insured and uninsured, made up of over 200 organizations representing seniors, children, working families, people with disabilities, immigrants, people of faith, labor, and communities of color.

Under Wright's leadership since 2002, Health Access has been a leader in efforts to fight health care budget cuts, to expand both employer-based coverage and public insurance programs, to advance consumer protections, and to address the causes of medical debt. For example, his work on hospital overcharging and abusive billing and collections practices led to both legislative action and hospital guidelines on the issue. Recently, he served as co-chair and campaign manager for the No on 78/Yes on 79 initiative effort, facing the prescription drug industry and the most expensive ballot campaign in the nation's history.

Wright's background is as a consumer advocate and community organizer, and he has been widely quoted in local and national media on a range of issues. He served as Program Director for New Jersey Citizen Action. As coordinator of New Jersey's health care consumer coalition, he ran successful campaigns to win HMO patient protections, defeat for-profit takeovers of nonprofit hospitals and Blue Cross Blue Shield, pass a law to govern hospital conversions and acquisitions, and expand coverage for low- and moderate-income children and parents.

Wright also worked at the Center for Media Education in Washington, DC, *The Nation* magazine in New York, and in Vice President Gore's office in the White House. Born and raised in the Bronx, Wright graduated from Amherst College magna cum laude in both English and Sociology.

**Billing classification:** Experts: 13+ years of experience. \$350/hour.

**Tam M. Ma** is Policy Counsel at Health Access California, where she represents health care consumers in the Legislature and before administrative and regulatory entities. Tam has over thirteen years' experience crafting state public policy. She started her career as a California Senate Fellow and was previously senior staff to Senators Mark Leno and Sheila Kuehl, where she advised the Senators on policy and state budget issues relating to health and human services, consumer protection, housing, judiciary, and women's issues.

Tam has crafted and worked for passage of legislation to protect consumers from unfair out-of-pocket costs, increase transparency in health care premiums, streamline state public benefits programs, help people living with HIV/AIDS to transition between new forms of health coverage under the Affordable Care Act, enhance consumer awareness of toxic flame retardant chemicals in home furnishings, strengthen the rights of low-income tenants, and increase protections for survivors of domestic violence, sexual assault, and human trafficking.

Tam was honored by the California Partnership to End Domestic Violence and the California Coalition Against Sexual Assault for her work to strengthen protections for survivors of these crimes. Tam advocated for the rights of low-income tenants when she was a trial attorney with Legal Services of Northern California's Sargent Shriver Civil Counsel Act project.

Tam sits on the board of the Women's Foundation of California and has served as a trainer and mentor for the foundation's award-winning Women's Policy Institute since its inception in 2003. She also serves on the board of the Asian/Pacific Bar Association of Sacramento and is Past President of My Sister's House, a domestic violence shelter serving women throughout the Central Valley. Tam received her B.A. (2002) and J.D. (2011) from the University of California, Berkeley, and has served as a lecturer at the law school.

**Billing classification:** Attorney: 3-4 years of experience. \$250/hour.