

-----Original Message-----

From: London, Sarah

Sent: Monday, January 12, 2015 7:28 PM

To: 'Peter Hirschfeld'

Cc: Coriell, Scott

Subject: RE: Your request

Pete, Thank you for your patience. Here are responses to your email below.

Regarding the Governor's statements on December 17, 2014, the Governor was asked about waiving executive privilege on documents related to the specific question of Medicaid reimbursement rates. We feel that is reflected in the recording of the event. Regardless of the specific question, however, the Governor was clear that he wanted the release of data and calculations related to the development of the financing plan and the communications related to those and the work of the Business and Consumer Advisory Councils. The Administration has released over a thousand such documents, including many related to the Business Advisory Council over which executive privilege otherwise would apply. The Governor has also waived executive privilege on related documents between his senior staff and himself, an unusual move for a governor but one he felt strongly about. He never said, and does not intend, that he would waive executive privilege for all health care related communications – including speech and press conference preparations and weekly reports.

The documents being withheld include:

- Weekly reports from the Cabinet to the Governor and his staff: these reports are submitted by all agency heads, including the Office of Health Care Reform. Each weekly report is generally between 50 and 70 pages total.

- Approximately 100 pages of emails involving the Governor and the following senior advisors: Liz Miller, Jeb Spaulding, Lawrence Miller, Susan Allen, Scott Coriell, Robin Lunge, and Anya Radar Wallack that provide substantive policy advice. Some of these withheld emails are drafts for two health care speeches (one delivered January 7, 2014, and one delivered December 17, 2014) and draft talking points. Other emails in this category involve areas of health care reform that are still under review and development by the Administration. The withheld emails do not involve detailed accounts of financing scenarios for Green Mountain Care.

We hope the above is helpful to you.

Sincerely,
Sarah

-----Original Message-----

From: Peter Hirschfeld [<mailto:phirschfeld@vpr.net>]

Sent: Monday, January 12, 2015 9:45 AM

To: London, Sarah

Subject: Re: Your request

Hi Sarah,

Thank you for sending these documents along. With regard to records being withheld as privileged communications, I just wanted to make sure you were aware of comments the governor made during a press conference on Dec. 18, in which he was asked if he would waive executive privilege "for all documents" related to the question of single-payer financing.

The governor responded that "there is nothing to hide on what we knew when, so we'd be happy to show you any documents you wish to look at."

If that changes anything with regard to what you all are willing to disclose, I'm happy to wait for any additional records. If it does not, then would it be possible to get a more thorough accounting of what records precisely the governor is withholding?

Thanks again,
Pete

----- Original Message -----

From: "Sarah London" <Sarah.London@state.vt.us>

To: "Peter Hirschfeld" <phirschfeld@vpr.net>

Sent: Thursday, January 8, 2015 1:23:01 PM

Subject: Your request

Dear Peter,

Please find attached records in response to your public records act requests. As noted yesterday, searches for records in response to some of your requests appear to yield 5,000 or more records per person. I and members of the Health Care Reform Office are happy to discuss more workable approaches to getting you additional health care records at your convenience.

The attached represent correspondence involving the Governor and those listed below relating to health care, single-payer, Act 48, and the financing plan from January 1, 2014 to December 19, 2014.

Liz Miller, Jeb Spaulding, Lawrence Miller, Susan Allen, Scott Coriell, Robin Lunge, Michael Costa, Devon Green, and members of the Governor's Business Advisory Council.

The following types of records have been withheld as executive privileged communications pursuant to 1 VSA 317(c)(1) and (c)(4): draft speeches and talking points, weekly reports submitted regularly by the Cabinet to the Governor, and certain policy communications from senior advisors to the Governor.

As you know, Governor Shumlin has made clear his desire to provide public access to the calculations and modeling the Administration did for Green Mountain Care. At his request, the Office of Health Care Reform compiled this data and posted over 1000 pages of documents on December 30, 2014.

If you feel any records have been withheld in error, you may appeal to the Governor's Chief of Staff at Elizabeth.Miller@state.vt.us .

Thank you,

Sarah

Sarah London

Counsel to the Governor

802-828-3333

sarah.london@state.vt.us

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