

County Council of Howard County, Maryland

2018 Legislative Session

Legislative day # 10

RESOLUTION NO. 90 - 2018

Introduced by: Chairperson at the request of the County Executive

A RESOLUTION confirming the appointment of Ellen L. Kuhn to the Advisory Board on Consumer Protection.

Introduced and read first time on July 2, 2018.

By order

Jessica Feldmark
Jessica Feldmark, Administrator to the County Council

Read for a second time and a public hearing held on July 16, 2018.

Tabled - 7/27/18

By order

Jessica Feldmark
Jessica Feldmark, Administrator to the County Council

This Resolution was read the third time and was Adopted , Adopted with amendments ___, Failed ___, Withdrawn ___ by the County Council on October 1, 2018.

Certified by

Jessica Feldmark
Jessica Feldmark, Administrator to the County Council

NOTE: [[text in brackets]] indicates deletions from existing language; TEXT IN SMALL CAPITALS indicates additions to existing language. ~~Strike-out~~ indicates material deleted by amendment; Underlining indicates material added by amendment.

Ellen L. Kuhn, J.D.

EXPERIENCE

Department of Health and Human Services, Center for Medicare & Medicaid Services, Baltimore, MD

Director, Hearings Division, Office of Marketplace Eligibility Appeals, Office of Hearings and Inquiries, November 2013 - Present

- Rendered the first Marketplace Eligibility Appeals decision for the Federally Facilitated Marketplace.
- Oversee the day to day operations of Federal Hearing Officers, including conducting marketplace eligibility appeals hearings.
- Designed and oversee the training program for Federal Hearing Officers.
- Ensure marketplace eligibility appeals program adheres to regulatory standards, provides due process, and is a model of ethical behavior.
- Advise the Group Director regarding a variety of policy initiatives necessary to effectively run the marketplace eligibility appeals program.
- Oversee and participate in hiring of permanent staff and detailees as Federal Hearing Officers.
- Design and oversee the creation of Standards of Operation, hearing scripts and decision templates for Federal Hearing Officers for each appeals case type.
- Analyze and assess work of Federal Hearing Officers including providing specific case guidance, overall quality reviews and performance management reviews.

Director, Appeals Division, Office of Consumer Support, Center for Consumer Information and Insurance Oversight, July 2010 - November 2013

- Supervised the staff of the Appeals Division, including assessing the work of each member of the Division and providing performance management reviews.
- Implemented Section 2719 of the Public Health Service Act (internal appeals and external review processes for adverse benefit determinations regarding medical services, prescription medication and durable medical equipment).
 - Oversaw the tri-agency negotiation and the drafting of regulations and guidance.
 - Collaborated with the State Research Team and led both teams on technical assistance calls state Departments of Insurance; advised the states regarding the necessary legal requirements.
 - Developed external review standards that are similar to the standards articulated in regulations in order to provide flexibility to the states.
 - Evaluated state external review processes; made recommendations regarding each state's status.
 - Provided technical assistance to non-federal governmental plans regarding internal appeals and external review.
- Entered into successive Interagency Agreements with the Office of Personnel Management in order to provide consumers in specific states with a federally-administered external review process.

- Responsible for the budget of the federally-administered external review program and oversaw the competitive bidding process for the contractor for the federally facilitated external review program.
- Coordinated with the Office of Oversight to effectuate a monitoring and compliance program for issuers that use a federally-administered external review process.

Office of the Attorney General, Consumer Protection Division, Baltimore, Maryland

Assistant Attorney General, Director - Health Education and Advocacy Unit, January 2005 - July 2010

- Managed the daily operations of a Unit that mediates approximately 2,000 consumer disputes each year in the area of adverse benefit determinations regarding medical services, prescription medication and durable medical equipment.
- Supervised full-time staff persons and volunteers and interns.
- Developed online complaint registration for consumers and health care providers.
- Advised the Chief of the Consumer Protection Division, the Deputy Chief of the Consumer Protection Division, and the Attorney General regarding health policy.
- Co-led a four-year Attorney General multi-state investigation, negotiation, and settlement against Caremark Rx, LLC, a pharmacy benefits manager, resulting in injunctive relief against the company and over \$1M to assist the uninsured and under-insured in Maryland with obtaining prescription medications.
- Represented the Office of the Attorney General in the Maryland legislature regarding health insurance matters.
 - Led a team that included the Deputy Insurance Commissioner and industry representatives to pass a five-bill package regulating Pharmacy Benefit Managers (2008 Legislative Session).
 - Successfully worked to pass a bill prohibiting balance billing of PPO consumers in hospital and emergency department settings (2010 Legislative Session).
- Monitored and advised the Attorney General regarding federal health legislation that will impact Maryland consumers.
 - In 2006, co-led with the Illinois Attorney General's Office the effort to stop the passage of United States Senate Bill 1955 - the Health Insurance Marketplace Modernization and Affordability Act of 2006. Drafted a letter that became a National Association of Attorneys General letter to the Senate signed by forty-one (41) Attorneys General opposing the legislation. The legislation was defeated.
 - In 2007, led a five-state coalition to oppose federal preemption of state mental health parity laws in United States Senate Bill 558 - Mental Health Parity Act of 2007, resulting in a revision to the preemption language so that stronger state laws, such as those in Maryland, remain in place. United States Senate Bill 558 passed with the revised preemption language.
- Authored the 2009 Opinion of the Attorney General interpreting the impact of The Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008 on Maryland insurance laws.
- Designee of the Attorney General on the Maryland Autism Commission.

Assistant Attorney General, Director - Health Club Registration Unit, May 2001 - September 2005)

- Managed the daily operations of the staff of the Health Club Registration Unit, including the processing of registrations and administration of refunds to consumers.
- Prosecuted enforcement actions against health clubs that violate the Health Club Services Law and the Consumer Protection Act.
- Implemented a new software program to assist the Health Club Registration Unit in performing its functions.
- Responsible for all technical aspects of promulgating regulations division-wide.
- Investigated individuals and businesses for potential violations of the Consumer Protection Act as part of the National Association of Attorneys General Health Fraud Group.

*Office of the Attorney General, Department of Health and Mental Hygiene, Baltimore, Maryland
Staff Attorney - Counsel, Board of Physician Quality Assurance and Board of Professional Counselors, January 2000 - May 2001*

- Conducted a contempt trial in the Circuit Court for Montgomery County for failure to respond to lawful subpoenas.
- Defended a medical disciplinary action by the Board of Physician Quality Assurance in the Maryland Court of Special Appeals.
- Prepared court pleadings and defended licensing and disciplinary determinations by the boards.
- Extricated the Board of Physicians from a claim for juvenile mental health records filed under the Americans with Disabilities Act in the Federal District Court for the District of Arizona.

Staff Attorney, March 1998 - January 2000

- Represented the Department in juvenile court proceedings, managing a docket of approximately one hundred cases. Instituted an organizational system for managing the litigation dockets. Successfully lowered the number of incoming complaints and appeals.
- Litigated complex case involving the administration of a Medicaid waiver.
- Provided counsel in a class action suit involving defective sprinklers at various state facilities.
- Initiated and coordinated a meeting of attorneys, agency representatives and judges to improve coordination of juvenile services and reduce juvenile court commitments to the Department.
- Counsel for the three Regional Institutes for Children and Adolescents (RICA) and the juvenile unit at the Thomas B. Finan Center.
- Co-counsel in a Board of Physician Quality Assurance prosecution.

*The Honorable Lenore R. Gelfman, Ellicott City, Maryland
Law Clerk, January 1998 - March 1998*

*The Honorable Dennis M. Sweeney, Ellicott City, Maryland
Law Clerk, March 1997 - September 1997*

EDUCATION

Juris Doctor, Pennsylvania State University – Dickinson School of Law, Carlisle, Pennsylvania

- Associate Editor, Dickinson Journal of International Law
- 1994 Cherie Millage Fellowship for Public Interest Law
- Family Law Clinic

Bachelor of Arts in History, Cum Laude, Notre Dame of Maryland University, Baltimore, Maryland

- Academic Achievement Award
- Morrissy Honors Scholar (Invitational Program)
- Delta Epsilon Sigma (Academic Honor Society)

BAR MEMBERSHIPS AND PROFESSIONAL DEVELOPMENT

- Maryland (1995); District of Columbia (1997)
- President, The James Macgill American Inn of Court, 2006-2007
- Treasurer, The James Macgill American Inn of Court, 2000-2005
- National Association of Attorneys General/National Institute of Trial Attorneys trial training (Chapel Hill, North Carolina).

HONORS AND PRESENTATIONS

- CMS Organizational Excellence Award 2016
- Lucy A. Weiss Award, Office of the Attorney General of Maryland (Award for excellence in consumer protection).
- Presentation: Families USA Annual Conference - The Impact of Balance Billing on Consumers
- Presentations: National Council on Insurance Legislators and the National Association of Insurance Commissioners on the impact of balance billing on consumers and Maryland's law related to balance billing.
- Presentation: Second Annual Symposium on Mental Disability and the Law: Mental Disability and Legal Competence - focus on juveniles and Maryland's juvenile laws.
- Organized and led a presentation: Commonly Used Maryland Rules (First Annual Law Clerk Orientation).