

Consumer Participation Program

Welcome Participants Petitions to Participate Applications for an Award 6

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Award Application Details: Consumers Union of United States, Inc. 3

Participant Details Participant's Eligibility Apps Participant's Petition Apps Participant's Award Apps

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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: **Consumers Union of United States, Inc.**

Submitted By: Dena Mendelsohn

Date Submitted: 8/17/2016 1:24:51 PM

Status: Pending


Date of Decision:

DMHC Comment: (8000 characters remaining)


Updated By:


Updated Date:

Save

Decisions & Comment History (Hide Details...) 

There are currently no decisions or comment history.

Award Application (Hide Details...) 

 [Printer Format](#)

- For which proceeding are you seeking compensation?
Proposed merger of Aetna and Humana
- What is the amount requested?
\$6,687.50
- 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)

Consumers Union of the United States, Inc., submits this request for reasonable advocacy fees for our substantial contribution to the decision of the Department of Managed Health Care (DMHC) regarding Aetna's acquisition of Humana. Consumers Union substantially contributed to DMHC's review of the proposed merger in a variety of ways. On January 4, 2016, Dena Mendelsohn, Staff Attorney at Consumers Union, provided an oral statement to the Department during which she voiced major concerns held by Consumers Union regarding the proposed merger of these two major health plans. In addition to articulating the concerns of Consumers Union in person, Ms. Mendelsohn provided the Department with detailed written testimony. This statement included a substantial catalog of background information, highlighting a pattern of troubling quality issues for both health plans. Additionally, in our written testimony, Consumers Union detailed for the Department seven recommended Undertakings, designed to protect consumer interests in the event that the Department approved the merger. Nearly all of those undertakings are reflected in the final agreement between DMHC and the plans. This suggests that our recommendations pinpointed valid contractual obligations for DMHC on behalf of consumers. For example: 1. Our recommendation that the Department pursue an undertaking requiring the plans to confer with regulators until a reasonable and justified rate is set is addressed by Undertaking 11, which requires Aetna to engage in a more rigorous rate review process than is regularly required. 2. Our recommendation that the plans be required to improve their quality and consumer satisfaction ratings is reflected in Undertakings 18 through 21. For example, the plans are required to improve star ratings on the Office of the Patient Advocate Quality Report Card (Undertaking 17) and to improve its performance on HEDIS measures (Undertaking 16). 3. Our recommendation that the merged plan must maintain presence in the commercial market at least commensurate with Aetna's current participation is answered by Undertaking 15, which includes language related to maintaining and growing its offerings in the California health care market. 4. Our recommendation that Aetna should be required to maintain staffing in California is addressed by Undertaking 12, which requires the newly merged plan to maintain an array of functions in California, "consistent with their past practices."

4. 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	
Dena Mendelsohn resume	8/17/2016 11:59:00 AM	Dena Mendelsohn	View
Elizabeth Imholz resume	8/17/2016 11:59:17 AM	Dena Mendelsohn	View
Consumers Union Time and Billing Record	8/17/2016 12:02:19 PM	Dena Mendelsohn	View

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

Mergers of health plans, especially large ones such as Aetna and Humana, pose a threat of increased premiums and diminished choice for consumers. They also threaten to reduce the incentive to improve quality and innovation. Because this is a complicated and nuanced issue on which Consumers Union has expertise, both nationally and in California, our mission dictates that we advocate for consumers in order to balance out the robust panel of attorneys representing the plans.

6. 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 San Francisco (City), CA (State), on August 01, 2016.

Enter Name: Dena Mendelsohn

Account Info at Time of
Submission

(Hide Details...)

**Account Information**

Organization Legal Name: **Consumers Union of United States, Inc.**
Organization Fictitious Name:
Account Type: Organization
Email Address: [REDACTED]
Organization Phone Number: [REDACTED]

Physical Address

Physical Address: 1535 Mission St
Suite: 2nd floor
City: San Francisco
State: CA
Zip/Postal Code: 94973

Organization Information

Organization Name: Consumers Union of United States, Inc.
Is this a nonprofit organization?: Yes
Under what Statute is your Organization Incorporated?: New York
Organization's Size: approx 600 employees
Organization's Structure: 501(c)(3)
Description of the Organization's General Purposes: To work for a fair, just and safe marketplace for all consumers and to empower consumers to protect themselves.

Organization's Governing Body

1.	Director	Elisa	Odabashian
2.	Director	Elizabeth	Imholz

Organization's Officers

1.	CEO	Marta	Tellado
2.	CFO	Eric	Wayne

Contact Info at Time of
Submission

(Hide Details...)



First Name: Dena
Last Name: Mendelsohn
Email Address: [REDACTED]
Telephone Number: [REDACTED]
Status: Active

**Consumers Union Time and Billing Record for Award of Advocacy and Witness Fees
Acquisition of Humana by Aetna**

DENA MENDELSON, STAFF ATTORNEY -- RATE \$350/hour*			
Date	Description	Time spent in hours	Amount
12/29/2015	Research and drafting of testimony to DMHC regarding the proposed acquisition of Humana by Aetna	3	1050
12/31/2015	Research and drafting of testimony to DMHC regarding the proposed acquisition of Humana by Aetna	3	1050
1/4/2016	Participation in DMHC hearing of the proposed acquisition of Humana by Aetna	1.5	525
1/4/2016	Roundtrip travel to Sacramento from San Francisco	4	1400
1/5/2016	Revisions and updates to our written comments following the public meeting on January 4, 2016.	1.5	525
1/7/2016	Revisions and updates to our written comments following the public meeting on January 4, 2016.	1.25	437.5
TOTAL		14.25	\$ 4,987.50

ELIZABETH M. IMHOLZ, Special Projects Director -- RATE: \$425/hour*			
Date	Description	Time spent in hours	Amount
1/3/2016	Review oral testimony	1	\$ 425.00
1/5/2016	Review written testimony	2	\$ 850.00
1/6/2016	Review written testimony	1	\$ 425.00
TOTAL		4	\$ 1,700.00

TOTAL HOURS	18.25
TOTAL AWARD REQUESTED	\$ 6,687.50

* Hourly rate is based on attorney rate set by the Public Utilities Commission.

Dena B. Mendelsohn, JD MPH

Staff Attorney

Consumers Union, 1535 Mission Street, San Francisco, CA 94103

PROFESSIONAL EXPERIENCE

Consumer Reports

Staff Attorney (2015-Present)

Health Policy Analyst (2014-2015)

- Advocating for affordable, quality healthcare for consumers nationwide, focusing on health insurance, federal health reform, and insurer accountability.
- Research and analyze federal and state healthcare policy regarding premium rates, health insurer practices, and insurer mergers.
- Review rate filing justifications filed in California, submit comments to DMHC, and create consumer engagement opportunities around rate review. Consult with advocates nationwide on specific rate filing justifications filed outside California.
- Author reports and blogs on health insurance, health insurance rates, and health information technology.
- Crafting of written comments and oral testimony for state and federal regulators in response to state and federal rulemaking, as well as for hearings on proposed health insurance mergers.
- Cultivating a consortium of experts and advocates on health insurance rate setting by convening regular conference calls and providing detailed briefs in easily accessible formats.
- Contribute to a national campaign working on ending "surprise medical bills."
- Appointed to serve on a national committee addressing health IT and patient safety.

Independent Consultant (2013-2014)

Provided executive services to businesses facing time or staffing crunches in need of a confident self-starter to identify and resolve the unique needs of each business.

- Copywriting, copy editing, strategic thinking, and project management.
- Rehabilitation, improvement, and in some cases wholesale replacement of Excel workbooks.
- Legal research and legal writing.

Pacific Business Group on Health

Policy Analyst (2011-2013)

Balance priorities with aggressive timelines, working with stakeholders and experts nationwide to improve the quality, safety, efficiency, and patient-reported outcomes of health care.

- Special assignments for the Executive director: creation of policy PowerPoint presentations, membership newsletter, Affordable Care Act (ACA) press releases.
- Ad hoc assignments related to employer wellness programming.
- Comment letters on federal regulations related to health IT, Affordable Care Organizations, and Medicare data release.
- Support national representatives on four federally-funded committees.
- Proposed and drafted strategic communications including press releases and newsletter.
- Design systems to identify and track progression towards team goals.

Hammond Law Group**Law Firm Manager (2010 – 2011)**

Strategic planning and independent project management with the goal of increasing efficiency, cost effectiveness, and client satisfaction.

- Researched and implemented hardcopy and automated document management system.
- Recruited through interviews and hiring one legal secretary and one attorney.
- Managed client billing and offsite bookkeeper service.
- Optimized billable opportunities.

State of Missouri Office of Administration, Division of Budget and Planning**Budget and Planning Analyst II (2008-2010)**

Individually tasked with educating the Governor on all pending legislation related to three major statewide departments as well as managing their budgets totally approximately \$800 million.

- Represented the Governor's budgeting office in diverse settings with various stakeholders.
- Developed recommendations for the Governor's Office including drug court funding, responses to an influx in the prison population, and budget shortfalls for public attorneys.
- Engaged in the challenging work of budget cuts during a national economic crisis.

O'Gorman & Sandroni, P.C.**Private Practicing Attorney (2005 – 2006)**

- Practice primarily estate law and general litigation.
- Conceptualized and developed firm website, marketing materials.

EDUCATION

Washington University School of Law: J.D: May 2005

Honors and Activities:

- Merit tuition scholarship award
- Dean's List
- CALI Award for highest grade in Biomedical Ethics writing seminar course
- Excellence Award in Oral Advocacy
- Credited for contribution in two legal treatises

Saint Louis University School of Public Health: MPH-Health Policy: May, 2008

Honors and Activities

- Passed comprehensive exams with great distinction
- Alpha Delta Chapter of Delta Omega – The Honorary Public Health Society
- The Health Policy Outstanding Student Award recipient
- Vice President, Graduate Students in Health Policy and Advocacy
- Alpha Epsilon Lambda (AEL) Honor Society, based on academics (gpa 3.97), leadership, recommendations

Emory University, Atlanta, Georgia: B.A. (Magna Cum Laude): May 2002

Joint major in English/Writing

Honors and Activities: Dean's list, Leader of the Year award

PROFESSIONAL MEMBERSHIP

Missouri State Bar, licensed member in good standing (inactive) • **National Quality Forum (NQF)**

Elizabeth Imholz, JD
Director of Special Projects
Consumers Union, 1535 Mission Street, San Francisco, CA 94103

EXPERIENCE

Oct. 2006-present **Special Projects Director, Consumers Union of U.S., Inc.**

Serves as liaison on health policy work between CU's Advocacy and Editorial Divisions. Provides strategic advice on, develops and leads consumer engagement-oriented health projects. Manages multiple projects including California Safe Patient Network, Community Health Assets Project, and Consumer Voices in Health IT.

Jan. 1999-Sept. 2006 **Director, Consumers Union of U.S., Inc., West Coast Office**

Developed and supervised implementation of policy agenda for regional office of national nonprofit; specialty focus on health policy and community engagement; provided leadership among consumer and other nonprofit groups across the country; developed and oversaw annual budget of \$2.1 million; led fundraising that resulted in \$10 million in foundation grants and other outside funds; supervised staff of 16; engaged in and supervised lobbying, media work, and development of reports and studies.

Dec. 1994-Dec. 1998 **Senior Attorney/Policy Analyst, Consumers Union of U.S., Inc., West Coast Office**

Directed office's health team, focusing on access, quality and affordability of health care. Included extensive project development, media work, hearing testimony, advocacy before government agencies, trainings, lobbying and coordination of consumer group allies. Developed and managed highly successful project on enlisting local residents and their schools to assume leadership role in reaching out to families to enroll their children in government-sponsored health insurance.

Nov. 1991 to Dec. 1997 **Director, Higher Education and Training Access Project, National Consumer Law Center**

Established national network of public interest groups and consumers involved in advocacy on behalf of low-income students on higher education and job training funding issues. Drafted proposals for reauthorization of federal Higher Education Act, the principal legislation dealing with federal involvement in postsecondary education, including for consumer representation in negotiated rulemaking. Secured consumer participants in subsequent negotiated rulemaking proceedings. From 1991 through 1994, the project operated under aegis of Legal Services for New York City and South Brooklyn Legal Services.

June 1993 to Dec. 1994 **Special Consultant, California Council for Private Postsecondary and Vocational Education**

Acted as liaison between state agency that licenses proprietary trade schools and federal and other state agencies. Trained agency staff on student loan and other legal issues.

Sept. 1990 to Nov. 1991 **Consumer Law Coordinator, Legal Services for New York City**

Organized and chaired consumer law task force for attorneys serving low-income consumers. Conducted training for citywide Legal Services staff and pro bono private attorneys. Served as consumer law resource for neighborhood programs. Lobbied state and federal agencies and legislatures for consumer law reform. Testified before committees of U.S. Senate and House of Representatives concerning fraudulent practices within proprietary trade school industry.

Oct. 1984 to Nov. 1991 **Director, Consumer and Employment Unit, South Brooklyn Legal Services**

Supervised consumer and employment law unit of attorneys, paralegals, and law students. Initiated national vocational school watch project consisting of federal and state legislative and administrative advocacy; class action litigation; community education and engagement; and substantial media coverage. Engaged and coordinated services of pro bono counsel. Notable decisions: Minino v. Perales, 79 N.Y. 2d 883 (1992); U.S. v. Grundhoefer, et al., 916 F. 2d 788 (2d Cir. 1990); Figueroa v. Market Training Institute, et al., 562 A.D. 2d 175 (2d Dept. 1990).

Sept. 1980 to Sept. 1984 **Staff Attorney, South Brooklyn Legal Services**

Handled consumer, employment, and government benefits (Social Security Disability, public

Elizabeth Imholz, JD*Director of Special Projects**Consumers Union, 1535 Mission Street, San Francisco, CA 94103*

assistance, and unemployment benefits) cases before federal and state courts and administrative tribunals. Notable decisions: Robinson v. Secty of Health and Human Services, 733 F. 2d 255 (2d Cir. 1984); Dartmouth Plan, Inc. v. Valle, 117 Misc. 2d 534 (Sup. Ct. Kings Co. 1983).

Jan. 1979 to **Research Assistant, Professor Arthur Kinoy, Rutgers School of Law**
Jan. 1980

Researched and wrote memoranda on constitutional and civil rights issues. Helped compile materials for Professor Kinoy's book, Rights on Trial (1983).

Summers, 1978 and **Law Clerk, Reproductive Freedom Project, American Civil Liberties Union Foundation**
1979 **Researched and wrote briefs, legal memoranda, motions, and affidavits for federal litigation on reproductive rights.**

May 1976 to **Legislative Assistant, Office of the City Council President**
Sept. 1977

Assisted in development of Ombudsman Office to handle citizen complaints against New York City agencies. Wrote reports for New York City Charter Revision Commission. Analyzed contracts presented for approval by Board of Estimate and ordinances introduced before City Council.

EDUCATION

June 1980 **Rutgers University School of Law, Newark, New Jersey**

Juris Doctorate

Clinical Experience: Women's Rights Litigation Clinic (1978)
 Urban Legal Clinic (1980)

Honors: Articles Editor, *Women's Rights Law Reporter*, (1979-1980)
 G.A. Moore Prize for distinguished work in equal employment opportunity law.

May 1976 **Columbia University, New York, New York**

Bachelor of Arts, Political Science and Urban Studies

Honors: *Magna Cum Laude*
 Columbia University Scholarship (1973-1976)
 Phi Beta Kappa

BAR MEMBERSHIPS

- New York State (1981)
- Federal District Court, Southern and Eastern Districts of N.Y. (1981)
- Federal Court of Appeals, Second Circuit (1989)

PROFESSIONAL AWARDS, HONORS, MEMBERSHIPS

- National Consumer Law Center, Vern Countryman Consumer Law Award (1996): For "outstanding efforts to strengthen and affirm the rights of low-income Americans through the practice of consumer law."
- Association of the Bar of the City of New York, Legal Services Award (1991): For "outstanding work in providing civil legal assistance to the poor in New York City and equal access to justice."
- California Department of Managed Health Care, Advisory Committee on Managed Care, Gubernatorial Appointee (2000-2005).
- U.C.L. A. California Health Information Survey, Advisory Board Member.
- Insure the Uninsured Project Award (2009): For "Thoughtful Leadership on Value Purchasing and Quality Improvement."

PUBLICATIONS

- *Caveat Venditor*, a New York consumer law manual, with Stephen Newman, Professor of Law at New York Law School (1994).
- "Jobs, Education, Employment and Training," *Clearinghouse Review*, January 1994 co-author on advocacy opportunities.