

STATE OF WISCONSIN,

Plaintiff,

v.

Case No. 04 CV 1709

ABBOTT LABORATORIES, INC.,
et al.,

Defendants.

PLAINTIFF'S RESPONSE TO
DEFENDANTS' FIFTH SET OF INTERROGATORIES

The Defendants incorporated the definitions and instructions contained in their first through fourth sets of discovery. In response, the Plaintiff incorporates all of its objections it tendered in responding to Defendants' previous discovery as if fully set forth herein.

INTERROGATORIES

INTERROGATORY NO. 1

Pursuant to your response to Interrogatory No. 15 of the Defendants' Second Set of Interrogatories to Plaintiff, identify all Managed Care Programs in which a beneficiary of any of the Wisconsin Medical Assistance Programs has participated or been enrolled.

- a. Identify the number of Wisconsin Medicaid beneficiaries covered by each Managed Care Program, specifying the timeframe for coverage; and

- b. Identify each Managed Care Organization that has provided coverage for any Managed Care Program, specifying the timeframe for coverage.

ANSWER:

- a. Detailed information on the number of Wisconsin Medicaid beneficiaries covered by Managed Care Organizations is available at:
dhfs.wisconsin.gov/medicaid7/reports_data/index.htm.
- b. Detailed information on Managed Care Organizations participating in Wisconsin Medicaid programs is available at:
dhfs.wisconsin.gov/medicaid7/reports_data/index.htm.

INTERROGATORY NO. 2

Identify each Managed Care Program that has included or provided prescription drug benefits or coverage to a beneficiary of any of the Wisconsin Medical Assistance Programs, specifying the timeframe for coverage.

ANSWER:

See response to #1

INTERROGATORY NO. 3

For each Managed Care Program identified in your response to Interrogatory No. 2, please state whether the prescription drug benefit or coverage is included in any capitated rate paid by you or the Managed Care Program to a Managed Care Organization.

ANSWER

Each health maintenance organization provides prescription drug benefit or coverage as part of the capitated rate paid by the State of Wisconsin.

INTERROGATORY NO. 4

If your answer to Interrogatory No. 3 is anything other than an unqualified “No,” please explain in detail:

- a. The capitated rate paid by you or the Managed Care Program to each Managed Care Organization, specifying the timeframe;
- b. How each capitated rate was determined or calculated, specifying the timeframe;
- c. The factors considered in determining to pay a capitated rate to each Managed Care Organization; and
- d. Identify all persons currently or formerly employed by or serving as a contractor to you with any knowledge about how each capitated rate was determined, including but not limited to:
 - (i) the name(s) of the individuals;
 - (ii) the title(s) of the individuals; and
 - (iii) their relationship(s) with the State of Wisconsin.
- e. Identify all Persons who have approved each capitated rate that includes prescription drug benefits or coverage and state how and when the approval was memorialized.

ANSWER:

- a. Wisconsin Medicaid contracts with an actuarial firm (currently Price Waterhouse Coopers) to establish capitation rates. Capitation rates are based on historical utilization, priced at fee-for-service rates.
- b. The answer to this question may be derived from the documents to be produced to the defendants, i.e. the annual rate report.
- c. See answer b. above.
- d. Curtis Cunningham (HMO Rate Setting Section Chief, State Employee)
Angelo Castillo (HMO Rate Setter, State Employee)
Bryan Hoeft (HMO Rate Setter, State Employee)
Gordon Soloway (HMO Rate Setter, State Employee)
Mike Fox (HMO Rate Setting Section Chief, Former State Employee)
Dan Ryan (HMO Rate Setter, Former State Employee)
Dave Beckfield (HMO Rate Setter, Former State Employee)
Richard Albertoni (Deputy Bureau Director, State Employee)
Angie Dombrowicki (Bureau Director, State Employee)
Jinn-Feng Lin (Actuary, Price Waterhouse Coopers, State Contractor)
Sandra Hunt (Account Manager, Price Waterhouse Coopers, State Contractor)
Eric Meinkow (Actuary, Price Waterhouse Coopers, State Contractor)
Dave Ogden (Actuary, Milliman & Associates, Former State Contractor)
John Mershart (Actuary, Milliman & Associates, Former State Contractor)
Gerry Bernstein (Actuary, Milliman & Associates, Former State Contractor)

e. approval of the capitated rate is made by the Wisconsin Medicaid Director. The Plaintiff has previously listed the names of each person holding that position and the dates of his or her tenure.

INTERROGATORY NO. 5

Identify all communications between you and any Managed Care Program or Managed Care Organization concerning capitated rates for prescription drug benefits or coverage.

ANSWER:

See Plaintiff's response to defendants' Fifth Request to Produce Documents.

INTERROGATORY NO. 6

Identify all communications between any Managed Care Program and any Managed Care organization concerning capitated rates for prescription drug benefits or coverage.

ANSWER:

See Plaintiff's response to defendants' Fifth Request to Produce Documents.

INTERROGATORY NO. 7

Have you produced all prescription drug claims paid on a capitated basis by you for any beneficiaries of the Wisconsin Medical Assistance Programs to the defendants?

ANSWER:

See Plaintiff's response to defendants' Fifth Request to Produce Documents and the Encounter data previously produced to the defendants.

INTERROGATORY NO. 8

If your response to Interrogatory No. 7 is "Yes," please identify the prescription drug claims paid by you, including any field(s) containing such information.

ANSWER:

See answer to Interrogatory No. 7 above.

INTERROGATORY NO. 9

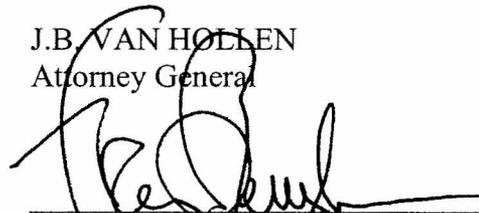
Identify all communications between you and any Managed Care Program or Managed Care Organization concerning the cost or price of prescription drugs.

ANSWER:

See answer to Interrogatory No. 7 above.

Dated this 13th day of February, 2008.

J.B. VAN HOLLEN
Attorney General



One of Plaintiff's Attorneys
FRANK D. REMINGTON
Assistant Attorney General
State Bar #1001131

Wisconsin Department of Justice
Post Office Box 7857
Madison, Wisconsin 53707-7857
(608) 266-3542