

Exhibit 568

**ROBERT WELCH V. UNITED STATES OF AMERICA
CAMP LEJEUNE WATER LITIGATION**

EXPERT REPORT OF DR. HENRY MILLER

MAY 8, 2025

Contents

1.	Introduction	3
2.	Background of the Case.....	3
3.	Scope of Report	3
4.	Medicare Coverage	4
5.	Veterans Health Administration Coverage	4
6.	Methodology for Calculation of Costs.....	4
7.	Summary of Costs Based on Medicare and VHA Coverage for Fryar’s Life Care Plan	5
8.	Summary of Costs Based on Medicare and VHA Coverage for Shahnasarian’s Life Care Plan	9
9.	Summary of Opinions	13

1. INTRODUCTION

My name is Henry Miller, Ph.D. I am a Managing Director in the Health Analytics practice of Berkeley Research Group, LLC. I have been working on health care cost and health insurance issues for more than fifty years. I have conducted studies on these issues for the federal Medicare program, several state Medicaid programs and more than forty health insurers. I have testified on these issues in the U.S. Congress, several State legislatures and in federal, state and local courts and in arbitrations. My curriculum vita is attached to this report as Appendix A. My firm is compensated at \$825 per hour for my time on this matter and payments are not contingent upon the outcome of the matter.

2. BACKGROUND OF THE CASE

This case relates to the injury of Robert Welch ("Plaintiff"). Plaintiff suffers from Parkinson's disease and related medical conditions allegedly due to water contamination at the Marine Corps Base Camp Lejeune.¹ Plaintiff currently resides in San Clemente, California.² A Life Care Plan has been prepared for Plaintiff by Michael A. Fryar, M.S., RN, CRC, CCM, CLCP, QRP, that describes the services that Fryar believes will be needed for the Plaintiff throughout his life expectancy. A Life Care Plan was also prepared by Michael Shahnasarian, PhD, that includes modifications to Fryar's Life Care Plan and services that Dr. Shahnasarian believes will be needed for the Plaintiff throughout his life expectancy.

3. SCOPE OF REPORT

I was asked by the Department of Justice to apply my expertise in health care costs to the matter of Robert Welch v. United States of America, which is part of the Camp Lejeune Water Litigation in the United States District Court for the Eastern District of North Carolina. I was specifically asked to address the following issues related to Plaintiff:

- Analyze the projected health care costs identified by Michael A. Fryar, M.S., RN, CRC, CCM, CLCP, QRP,³ (Fryar's Life Care Plan) and identify the amount that would be paid by Medicare and the Veterans Health Administration for Plaintiff; and
- Analyze the projected health care costs identified by Michael Shahnasarian, PhD,⁴ (Shahnasarian's Life Care Plan) and identify the amount that would be paid by Medicare and Veterans Health Administration for Plaintiff.

¹ Life Care Plan for Mr. Robert Welch, prepared by Michael A. Fryar, M.S., RN, CRC, CCM, CLCP, QRP, dated February 1st, 2025.

² Life Care Plan for Robert Eugene Welch, prepared by Michael Shahnasarian, PhD, dated May 8th, 2025.

³ Life Care Plan for Mr. Robert Welch, prepared by Michael A. Fryar, M.S., RN, CRC, CCM, CLCP, QRP, dated February 1st, 2025.

⁴ Life Care Plan for Robert Eugene Welch, prepared by Michael Shahnasarian, PhD, dated May 8th, 2025.

4. MEDICARE COVERAGE

Based on information received from counsel, it appears that Plaintiff receives coverage for healthcare services through the Medicare program (Part A and Part B).

Medicare Part A, which covers institutional services (e.g., hospital services), has no cost. There is a premium for Part B (e.g., physician and other professional services). The standard Part B premium amount in 2025 will be \$185 per month (\$2,220 annually).⁵ In addition, beneficiaries can elect to enroll in optional Medicare Part D coverage, which covers brand-name and generic prescription drugs.

5. VETERANS HEALTH ADMINISTRATION COVERAGE

Based on information received from counsel, it appears that Plaintiff also receives coverage for healthcare services through the Veterans Health Administration ("VHA"). Eligibility for VHA healthcare benefits is based on military service for a certain period of time. Other requirements must also be met, such as service in certain geographic areas, military conflicts, wars and/or exposure to toxins or other hazards while serving.⁶

Basic VHA health benefits cover preventive care, such as health exams and immunization, inpatient hospital services, urgent and emergency care, assisted living and home health care, and prescriptions. Some veterans may receive additional benefits such as dental care.⁷

6. METHODOLOGY FOR CALCULATION OF COSTS

To determine the rate paid by Medicare, I first identified if each service/supply, included in the life care plans submitted by the plaintiff and the defense, was covered under the benefits offered by Medicare. Some services/supplies such as home cleaning services are not covered by Medicare. Next, I identified the rate that would be paid by Medicare for a service/supply. Medicare rates exclude any patient responsibility, including coinsurance.

To determine the rate paid by the VHA, I first identified if each service/supply, included in the life care plans submitted by the plaintiff and the defense, was covered under the benefits offered by the VHA. The VHA pays providers at a rate equal to the Medicare rate should a Medicare rate exist. For those services not covered by Medicare and without a Medicare rate, I followed the methodologies outlined on the VHA's website to identify the rate paid. Sources for Medicare and VHA rates are listed in Appendix B of this report.

Plaintiff can elect to use either VHA or Medicare for the coverage of their healthcare services (depending on the provider's participation in those programs).⁸ For most general medical services and outpatient care, Medicare will pay 80% of the approved Medicare rate and a patient will pay the

⁵ <https://www.cms.gov/newsroom/fact-sheets/2025-medicare-parts-b-premiums-and-deductibles>.

⁶ Eligibility for VHA health care, available at: <https://www.va.gov/health-care/eligibility/>.

⁷ How to get veterans health benefits, available at: <https://www.usa.gov/get-veterans-health-benefits#:~:text=What%20do%20VA%20health%20benefits,Prescriptions>.

⁸ VA health care and other insurance: available at: <https://www.va.gov/health-care/about-va-health-benefits/va-health-care-and-other-insurance/>.

remaining 20% as coinsurance.⁹ According to the VA fee schedule, the “VA reimburses hospital, medical, and extended care services up to the maximum allowable rate which for most services is the Medicare rate”.¹⁰ Two rates have been provided in Tables 1 and 2 to identify the difference between what Medicare and the VHA would pay for established Medicare-approved amounts. The amount that will be paid will be determined based on where Plaintiff seeks medical care.

7. SUMMARY OF COSTS BASED ON MEDICARE AND VHA COVERAGE FOR FRYAR’S LIFE CARE PLAN

Plaintiff’s future service unit costs based on Medicare and VHA coverage for Fryar’s Life Care Plan are summarized in Table 1 below. Rates reflect standardized rates for what Medicare and VHA would pay for a service, removing patient responsibility amounts such as copayments and coinsurance. According to Plaintiff’s Veterans Benefits Administration (“VBA”) documentation, Plaintiff has a service-connected disability rating of over 70%, meaning that copayments do not apply for many services through the VHA, such as care related to a service-connected injury.¹¹

Fryar states that according to Dr. Heidi Schwarz, Plaintiff’s anticipated life expectancy is an additional 4 years due to Parkinson’s Disease and his cardiovascular history (84.5 years, or 4.0 years from 2025 and the date of my report).¹²

⁹ Medicare Costs, available at: <https://www.medicare.gov/basics/costs/medicare-costs>

¹⁰ VA Fee Schedule, available at: <https://www.va.gov/COMMUNITYCARE/revenue-ops/Fee-Schedule.asp>

¹¹ Current VA health care copay rates for 2025, available at: [https://www.va.gov/health-care/copay-rates/#:~:text=in%20a%20hospital\)-,If%20you%20have%20a%20service-connected%20disability%20rating%20of%2010,a%20copay%20for%20inpatient%20care.](https://www.va.gov/health-care/copay-rates/#:~:text=in%20a%20hospital)-,If%20you%20have%20a%20service-connected%20disability%20rating%20of%2010,a%20copay%20for%20inpatient%20care.)

¹² Life Care Plan for Mr. Robert Welch, prepared by Michael A. Fryar, M.S., RN, CRC, CCM, CLCP, QRP, dated February 1st, 2025.

Table 1
Medicare and VHA Coverage and Costs for Fryar's Life Care Plan

Description*	Frequency as Described in LCP	Unit Defined	CPT Code	Medicare Rate	VHA Rate
PHYSICIAN CARE					
Neurology/Movement Disorder Clinic Visits	3-4 times per year	Per visit	AVG(99213, 99214)	\$94.31	\$117.89
EVALUATIONS/THERAPIES					
Cognitive Testing	1 time per year until placed into SNF	Per visit	99483	\$235.66	\$294.58
Neuropsychological Comprehensive Testing	1 time	Per visit	SUM(96116, 96121, 96132, 96133, 96136, 96137)	\$396.70	\$495.88
Psychological Counseling	Monthly until placed into a SNF	Per visit	90834	\$89.20	\$111.50
Physical Therapy Evaluation	1 time every 6 months until placed into a SNF	Per visit	97162	\$87.04	\$108.80
Physical Therapy Visits	3 times per week for 3 months, then reduce frequency to twice weekly for 3 months in total	Per visit	SUM(97110, 97530, 97112, 97116)	\$110.89	\$138.61
Occupational Therapy Evaluations	3 evaluations each year until admission into SNF	Per visit	97166	\$89.51	\$111.89
Speech Therapy Evaluation (Swallow)	1 to 3 times in total during lifespan	Per visit	92610	\$74.08	\$92.60
Speech Therapy Treatments (Voice)	5 days each week for 4 weeks (Total 20 sessions)	Per visit	92507	\$66.18	\$82.72
MEDICATIONS					
Donepezil, 10 mg tablet	1 tablet per day at bedtime	Per tablet		\$0.31	
Sinemet, 25/100 mg tablet	1 tablet 4 times per day <u>Or</u> Up to 1 tablet every 2 hours while awake in future	Per tablet		\$0.21	
Entacapone 200mg tablet	1/2 tablet 4 times per day	Per tablet		\$1.45	
DIAGNOSTIC & LABORATORY STUDIES					

Description*	Frequency as Described in LCP	Unit Defined	CPT Code	Medicare Rate	VHA Rate
Modified Barium Swallow Study	1 to 3 times, in total, during lifespan	Per visit	SUM(92611, 74230)	\$189.22	\$236.52
DURABLE MEDICAL EQUIPMENT & SUPPLIES					
Rolling Walker with Seat and Laser	Every 2 years	Per Item	SUM(E0147, E0156)	\$394.06	\$492.58
Power Wheelchair	1 time only	Per Item	K0010	\$6,189.98	\$7,737.47
Hospital Bed	1 time only	Per Item	E0265	\$1,863.37	\$2,329.21
Hoyer Lift (Electric)	1 time only	Per Item	E0635	\$1,542.22	\$1,927.77
Lift Swings for Hoyer	1 time only	Per Item	E0621	\$74.55	\$93.19
HEALTH & STRENGTH MAINTENANCE					
Fitness/Exercise Programs - YMCA (Initial joining fee)	One time			\$0.00	\$0.00
Fitness/Exercise Programs - YMCA (Per month)	Monthly provision			\$0.00	\$0.00
Fitness/Exercise Programs - Rock Boxing	Monthly provision			\$0.00	\$0.00
FINANCIAL MANAGEMENT SERVICES					
Financial Advisor - (<i>National, Current data</i>)	4 times per year (Quarterly)			\$0.00	\$0.00
TRANSPORTATION					
Driving Evaluation	One-time provision now	Per visit	97166	\$89.51	\$111.89
SUPPORT SERVICES					
Housekeeping Services	Every other week until placed into a SNF			\$0.00	\$0.00
HOME CARE SERVICES					
Attendant Home Care Services (Certified Nursing Assistant [CNA] services)	3 hours every other day now (i.e., 12 hours weekly) and for two additional years. After two years, increase service to 3	Hourly rate		\$74.48	\$74.48

Description*	Frequency as Described in LCP	Unit Defined	CPT Code	Medicare Rate	VHA Rate
	hours every day (i.e., \$21.00 hours weekly) and continue with such until Mr. Welch enters into a SNF				
Skilled Nurse Care (<i>Private Hire</i>) (Licensed Practical Nurse [LPN] or Registered Nurse [RN] Home Visit)	1 visit per week until enters a SNF	Hourly rate		\$231.32	\$231.32
FACILITY CARE					
Facility Care/Placement (Advanced Care Assisted Living Facilities & Skilled Nursing Facilities) - Monthly Assisted Living	Monthly provision				
Facility Care/Placement (Advanced Care Assisted Living Facilities & Skilled Nursing Facilities) - Monthly Skilled Nursing	Monthly provision				
SNF 1-100 days		Daily Rate (assisted living facility not covered)		\$477.72	\$594.71
SNF 100+		Daily Rate (assisted living facility not covered)		Not covered beyond 100 days	\$421.31
RESIDENTIAL MODIFICATIONS					
Future Home Modifications (Wheelchair Accessibility)	1 time provision			\$0.00	\$6,800

*Based on Fryar's Life Care Plan.¹³

¹³ Life Care Plan for Mr. Robert Welch, prepared by Michael A. Fryar, M.S., RN, CRC, CCM, CLCP, QRP, dated February 1st, 2025.

8. SUMMARY OF COSTS BASED ON MEDICARE AND VHA COVERAGE FOR SHAHNASARIAN'S LIFE CARE PLAN

Plaintiff's future service unit costs based on Medicare and VHA coverage for Shahnasarian's Life Care Plan are summarized in Table 2 below. Rates reflect standardized rates for what Medicare and VHA would pay for a service, removing patient responsibility amounts such as copayments and coinsurance. According to Plaintiff's Veterans Benefits Administration ("VBA") documentation, Plaintiff has a service-connected disability rating of over 70%, meaning that copayments do not apply for many services through the VHA, such as care related to a service-connected injury.¹⁴

Dr. Shahnasarian does not explicitly include a life expectancy in his report. Therefore, the life expectancy from Fryar's Life Care Plan of 4.0 additional years was used (84.5 years, or 4.0 years from 2025 and the date of my report).¹⁵

¹⁴ Current VA health care copay rates for 2025, available at: [https://www.va.gov/health-care/copay-rates/#:~:text=in%20a%20hospital\)-,If%20you%20have%20a%20service-connected%20disability%20rating%20of%2010,a%20copay%20for%20inpatient%20care.](https://www.va.gov/health-care/copay-rates/#:~:text=in%20a%20hospital)-,If%20you%20have%20a%20service-connected%20disability%20rating%20of%2010,a%20copay%20for%20inpatient%20care.)

¹⁵ Evaluation on behalf of Robert Welch, prepared by Michael A. Fryar, MS, CLCP, CRC, RN, CCM, QRP, dated February 1st, 2025.

Table 2
Medicare and VHA Coverage and Costs for Shahnasarian's Life Care Plan

Description*	Frequency as Described in LCP	Unit Defined	CPT Code	Medicare Rate	VHA Rate
RESIDENTIAL OPTIONS					
Assisted living facility or skilled nursing facility	To be determined				
SNF 1-100 days		Daily Rate (assisted living facility not covered)		\$477.72	\$594.71
SNF 100+		Daily Rate (assisted living facility not covered)		Not covered beyond 100 days	\$421.31
EVALUATIONS					
Neuropsychological Evaluation	One time	Per Visit	SUM(96116, 96121 x 2, 96132, 96133 x 3, 96136, 96137 x 5)	\$750.54	\$938.18
Physical Therapy Evaluation	2 times per year	Per Visit	97161	\$87.04	\$108.80
Occupational Therapy Evaluations	1 time per year	Per Visit	97165	\$89.51	\$111.89
Speech Therapy Evaluation	1 - 3 times total	Per Visit	92522	\$95.48	\$119.35
THERAPEUTIC NEEDS					
Neurologist/Movement Disorder Follow-Up	3 - 4 visits per year	Per Visit	99215	\$154.02	\$192.53
Cognitive Testing	Every 2 years	Per Visit	99483	\$235.66	\$294.58
Psychological Counseling	10 - 15 sessions total, as needed	Per Visit	90834	\$89.20	\$111.50
Physical Therapy Visits	1 protocol of 12 sessions per year	Per Visit	97110 x 2	\$51.20	\$64.00
Speech Therapy	20 sessions total	Per Visit	92507	\$66.18	\$82.72

Description*	Frequency as Described in LCP	Unit Defined	CPT Code	Medicare Rate	VHA Rate
DIAGNOSTIC & LABORATORY STUDIES					
Modified Barium Swallow Study	1 - 2 time total	Per Visit	SUM(92611, 74230)	\$189.22	\$236.52
WHEELCHAIR NEEDS					
Portable Manual Wheelchair	TBD	Per Item	K0001	\$283.09	\$353.86
Manual Wheelchair Maintenance	1 time per year			\$0.00	\$0.00
Power Wheelchair	TBD	Per Item	K0010	\$6,189.98	\$7,737.47
Power Wheelchair Maintenance	1 time per year			\$0.00	\$0.00
AIDS FOR INDEPENDENT LIVING					
Hospital Bed	TBD	Per Item	E0265	\$1,863.37	\$2,329.21
Rolling Walker with Seat and Laser or Rollator	Replace every 5 - 7 years	Per Item	SUM(E0147, E0156)	\$394.06	\$492.58
DRUGS AND SUPPLY NEEDS					
Donepezil (Aricept) 10mg	1 tablet per day	Per tablet		\$0.31	
Entacapone (Comtan) 200mg	2 tablets per day	Per tablet		\$1.45	
Carbidopa/Levodopa (Sinemet) 25mg/100mg	4 tablets per day	Per tablet		\$0.21	
HOME FACILITY CARE					
Personal Care Attendant	Year 3-5 for 7-10 hours per week Year 6 to end of life for 14 - 21 hours per week	Hourly rate	S5125	\$0.00	\$48.08
RN or LPN Home Visit	1 visit per month	Hourly rate		\$231.32	\$231.32
Housekeeping Services	1 visit every 2 weeks			\$0.00	\$0.00
Financial Advisor	TBD			\$0.00	\$0.00
TRANSPORTATION					
Driving Evaluation	One time	Per visit	97166	\$89.51	\$111.89
PERSONAL FITNESS					
Fitness/Exercise Program	2 days per week			\$0.00	\$0.00

Description*	Frequency as Described in LCP	Unit Defined	CPT Code	Medicare Rate	VHA Rate
RESIDENTIAL MODIFICATIONS					
Home Environmental Analysis	One time	Per Visit	T1028	\$0.00	\$106.62

*Based on Shahnasarian's Life Care Plan.¹⁶

¹⁶ Life Care Plan for Robert Eugene Welch, prepared by Michael Shahnasarian, PhD, dated May 8th, 2025.

9. SUMMARY OF OPINIONS

This report is based on information known to me as of this date. I have analyzed the information provided to me for the Plaintiff and assessed publicly available data to arrive at my opinion as to the rates for care covered by the Plaintiff's insurer. If additional information is made available, I may modify my report. I may also be asked to present opinions on additional issues in this case.

A handwritten signature in black ink, appearing to read "Henry Miller", with a checkmark at the end. The signature is written in a cursive, somewhat stylized font.

Henry Miller, Ph.D.
May 8, 2025

**APPENDIX A
DR. HENRY MILLER
CURRICULUM VITAE**

HENRY MILLER, Ph.D.
BERKELEY RESEARCH GROUP, LLC
2 N. Central Avenue
Suite 1700
Phoenix, AZ 85004

Direct: 602.388.1116
Mobile: 443.280.1868
hmill@thinkbrg.com

SUMMARY

Henry Miller is Managing Director, Health Analytics in the Phoenix, AZ office of the Berkeley Research Group. He has more than 50 years of experience as a healthcare consultant and researcher specializing in health care finance, public policy, regulatory analysis, and strategic planning. In addition, he has provided expert testimony to the U.S. Congress, several state legislatures, in Federal, State, and local courts and in arbitration proceedings.

Dr. Miller has worked with more than 50 health plans, including some of the largest plans in the U.S., Blue Cross and Blue Shield plans and regional health plans on varied aspects of their operations, including evaluation of premium rate setting strategies, medical loss ratios, administrative issues, organizational structure, community relations, network management, provider payment systems, operating systems, and strategic planning.

Dr. Miller has worked on provider payment systems and network management issues for more than forty years. He was a member of the Medicare oversight committee for the effort to develop the practice expense component of the RBRVS physician fee schedule. He assisted CMS on several projects related to the development of the Medicare Hospital Outpatient Prospective Payment System and directed a project to assess opportunities to improve the Medicare Inpatient Prospective Payment System (IPPS) based on DRGs. Dr. Miller also directed the Medicare program's evaluation of the appropriateness of paying a facility fee to ambulatory surgery centers and has prepared reports on reimbursement issues for the Medicare program that were responses to Congressional requests.

He has designed hospital, physician, and pharmaceutical payment systems for seven Medicaid programs and more than thirty Blue Cross and Blue Shield plans and other health plans. This work has included both in network and out of network payment. In several instances, Dr. Miller negotiated provider contracts on behalf of health plans.

Dr. Miller has worked with various entities on developing competitive bidding programs, including design of Requests for Proposals, and bid evaluation formats. This work focuses on bids for health coverage submitted to employers by health insurers. He has also assisted health insurers who submitted bids for health coverage to private sector and government entities.

Dr. Miller has provided expert testimony on the reasonable costs of medical care, medical payments and network management issues in worker's compensation and personal injury cases. This testimony was

based on the methods to measure reasonable value of medical care that Dr. Miller developed. Methods have been accepted in state and Federal courts.

Dr. Miller's work for health plans includes several assignments relating to the operation of Medicare Advantage plans, including issues relating to data submission to the Medicare program, provider contracting, and the development of provider payment approaches and rates. He has also worked for the Medicare program on these issues, especially as related to the quality and availability of data that is submitted by MA plans to the Federal government.

Dr. Miller has directed several public policy and regulatory analysis projects. He has directed evaluations of several programs for the Department of Health and Human Services, including programs managed by the Office of Women's Health, the Health Resources and Services Administration (HRSA), the National Center for Health Statistics, the Agency for Healthcare Research and Quality (AHRQ) and the National Institutes of Health. Much of this work focused on delivery and financing alternatives for improving care to vulnerable populations. He directed a project that investigated innovative approaches to care management initiated by Federally Qualified Health Centers. This project examined programs in nine U.S. communities. He directed studies of research on access to care for disadvantaged, minority, and disabled populations for AHRQ. In other work, he developed a strategic plan for a managed care plan for the uninsured and low-income populations in Hillsborough County, Florida and designed an innovative delivery system for low-income populations in Rochester, New York. His work for HRSA includes evaluations of health care for the homeless programs as well as several federally funded women's and maternal and child health programs. He has conducted similar projects for New York State. Dr. Miller directed an evaluation of the Medicare clinical laboratory payment system for the National Academy of Medicine. He conducted an evaluation of the impact of Medicare regulations on clinical laboratories for the American Clinical Laboratory Association as well as national laboratory chains and hospital-based laboratories.

Dr. Miller directed key elements of the work conducted by the Governor's Commission for Rationalizing Healthcare in New Jersey. He was the lead consultant to the Commission on analyzing the financial status of the State's hospitals as well as measuring the impact of potential hospital closings. He also served as the economic advisor to the Alaska Department of Insurance in its review of the application by Premier Blue Cross to convert to for-profit status. He assisted several Primary Care Trusts and Strategic Health Authorities in the U.K. as they addressed changes in National Health Service requirements.

Dr. Miller has directed several technology related projects, including work in which he presented new technologies to the Centers for Medicare and Medicaid Services (CMS) to obtain their approval and payment. This work included analysis of a radiotherapy for non-Hodgkins lymphoma, a new device for the treatment of posterior uveitis and a cryogenic stent. In addition, he prepared the strategic plan for a Regional Health Information Organization (RHIO) for the Maryland and Virginia area. This work included an assessment of the feasibility of linking electronic medical records across hospitals and physicians' offices.

Dr. Miller developed resource costing, a tool for the measurement of costs in healthcare settings in a series of projects completed for the Office of the Assistant Secretary for planning and Evaluation of the Department of Health and Human Services. He applied resource costing to a project for the Medicare Payment Advisory Commission (MedPAC) in which he used the approach to assess the accuracy of Medicare Cost Reports as a research and policy analysis tool and to another project to measure the

costs of more than 300 hospital outpatient procedures to support efforts by the Centers for Medicare and Medicaid Services (CMS) to develop the Medicare Hospital Outpatient Prospective Payment System (HOPPS) based on APCs.

PROFESSIONAL EXPERIENCE

Provider Payment System Design and Evaluation

Dr. Miller played a key role in the development of the Medicare Hospital Outpatient Prospective Payment System (HOPPS). In this work for CMS, he conducted a major pricing study, analyzed the impact of key aspects of the APC approach and assisted in drafting regulations. Subsequently, he conducted a study of the impact of the HOPPS on the quality of care provided to Medicare beneficiaries for MedPAC. Dr. Miller also designed hospital outpatient payment systems for Medicaid programs in New York, New Jersey, North Dakota, and the District of Columbia. He has developed hospital outpatient payment approaches for Blue Cross and Blue Shield plans in New York, New Jersey, Virginia, Georgia, Arkansas, Minnesota, and California.

Dr. Miller also directed an assessment of opportunities to improve the Medicare Inpatient Prospective Payment System (IPPS), based on DRGs. He has designed or evaluated hospital inpatient payment systems for Medicaid programs in Virginia, Pennsylvania, Iowa, New York, and West Virginia. His inpatient payment system design work for health plans includes projects conducted for Blue Cross and Blue Shield plans in Virginia, Pennsylvania, Florida, Texas, North Dakota, Illinois, Colorado, Kansas City and Tennessee. Dr. Miller also evaluated the method used by the Federal government to pay children's hospitals for their investment in medical education.

Dr. Miller completed a study to update the payment system used by the Medicare program to pay Federally Qualified Health Centers (FQHCs). This work was undertaken to address payment issues that arose because payment levels had not been adjusted other than for inflation for more than fifteen years. Recommendations were made to the Health Resources and Services Administration and the Centers for Medicare and Medicaid Services.

Dr. Miller has worked with several State Medicaid programs on home health agency payment systems. He reviewed licensing criteria for home health agencies and other providers in Vermont and New York. He led the design of nursing home reimbursement systems for the Medicaid programs in Virginia, Pennsylvania, Vermont, and Iowa. He directed a study of the Medicare laboratory fee schedule for the National Institute of Medicine. His reimbursement system design work for health plans includes design of systems to pay hospitals, ambulatory surgery centers, physicians, nursing homes, home healthcare agencies, dialysis centers and other providers. He has also developed fee schedules used for out of network payment for several large health plans. He has worked with more than two-thirds of the nation's Blue Cross and Blue Shield plans as well as national health plans on reimbursement issues.

In other work, Dr. Miller evaluated and made recommendations to improve the payment methods used by worker's compensation programs in Ohio and California. He completed a study of access to healthcare for injured workers in California. Dr. Miller has also worked with personal injury insurers on methods used to pay medical claims.

Public Policy and Regulatory Analysis

Dr. Miller has directed several major studies of key public policy issues for the Federal government as well as for states and private sector clients. Examples of this work include:

- Economic advisor to the Alaska Insurance Department on the application by Premier Blue Cross to convert to for-profit status,
- Financial advisor to the Governor's Commission for the Rationalization of Healthcare in New Jersey,
- Consultant to several U.K agencies on development of responses to changes in the National Health Service, including Yorkshire and the Humber Strategic Health Authority, North Lincolnshire Primary Care Trust, Calderdale Primary Care Trust, and the Swansea Primary Care Trust,
- Analysis of the Highmark Blue Cross and Blue Shield and Independence Blue Cross proposal to merge,
- Validation of the diagnostic information used in the CMS-RCC risk adjustment formula used by the Medicare program to develop payment rates for Medicare Advantage plans,
- Analysis and recommendation of innovative approaches to improve access to primary care services for low-income populations for the Greater Rochester Health Foundation,
- Evaluation of the Rural and Frontier Coordinating Center program of the Federal Office of Women's Health,
- Evaluation of the costs and use of case management in a home health care program funded by the Federal government,
- Evaluation of the impact of the New York State All-Payer Case-Based Prospective Hospital Reimbursement System (NYPHRM) for the Council on Health Care Financing and the New York State legislature,
- Evaluation of several Federal and New York State programs to provide services to people with HIV/AIDS,
- Development and evaluation of community-based healthcare data systems, including a data system to collect and manage data that describe health care markets for the Agency for Healthcare Research and Quality, the Maryland Medical Care Database for the Maryland Health Care Commission and the database used to support hospital quality initiatives by the American Data Network,
- Evaluation of the Healthcare Community Access Program (HCAP), a national effort to reduce uncompensated care in over 150 communities for the Health Resources and Services Administration,
- Evaluation of the Federal Government's Black Lung Clinics program, and
- Completion of several projects for the National Center for Health Statistics including an assessment of the impact of using ICD-10 for diagnosis coding, an evaluation of the uses of provider surveys including the National Hospital Discharge Survey and the National Ambulatory Medical Care Survey and the design of a national survey of ambulatory surgery.

Strategic planning

Dr. Miller's strategic planning work includes assignments completed for hospitals, managed care companies, major employers, and government agencies. These projects include:

- Support on strategic issues for several hospital systems, including Johns Hopkins Medicine, University of Rochester Health System, University of Maryland Medical System, The Christ Hospital, Sutter Health System, and Memorial Hermann Health System.
- Evaluation of health benefits options for major employers including AT&T and Verizon,
- Preparation of a strategic and operational plan for an innovative managed care plan for the uninsured in Hillsborough County, Florida,
- Support for the preparation of the initial Vermont Health Resources Allocation plan for the Vermont Bureau of Insurance, Securities and Health Care Administration,
- Support to the State of New York for the development of a Global Budgeting program, and
- Several studies of the comparative value of health care benefit programs provided by health plans in efforts to identify optimal arrays of benefits.

Expert Testimony

Dr. Miller has served as an expert witness in several health care cases in recent years and has testified in federal and state courts, in arbitrations and in administrative hearings. His testimony addressed:

- Hospital/health plan contract disputes,
- Role of the Affordable Care Act in measuring medical costs in personal injury cases,
- Reasonable costs of medical care in personal injury cases,
- Class action certification,
- Out of network provider payment,
- Rates paid to health care providers by worker's compensation insurers and personal injury insurers,
- Medicare and Medicaid managed care contracts,
- Health plan operations and health plan/provider relationships,
- Health care competition issues,
- Applications by non-profit health insurers seeking to convert to for-profit status, and
- Efforts to obtain certificates of need for health care services.

EDUCATION

Ph.D., (Accounting and Economics), University of Illinois

M.B.A., City College of New York

B.B.A., City College of New York

PRESENT POSITION

Berkeley Research Group, Managing Director, Health Analytics, 2010 to present

FULL-TIME TEACHING EXPERIENCE

University of Baltimore, Associate Professor

State University of New York at Binghamton, Assistant Professor

University of Illinois, Instructor

OTHER POSITIONS HELD

LECG, LLC, Managing Director, 2008-2010

Navigant Consulting, Inc., Managing Director, 2002-2008

Center for Health Policy Studies, President, 1979-2002

Miller & Byrne, Inc., President, 1975-1979

SELECTED COMMUNITY ACTIVITIES

United Cerebral Palsy of Central Maryland, Chairman, Board of Directors, 2007 to 2011

Heifetz International Music Institute, Treasurer, Board of Directors, 2010 to 2013

Glenelg Country School, Treasurer, Board of Trustees, 1991-2000

Howard County General Hospital, Chairman, Board of Trustees, 1987-1989

SELECTED PUBLICATIONS

1. C. Turck, W. Marsh, J. Stevenson, J. York, H. Miller and S. Patel, "Pharmacoeconomics of Surgical Interventions vs. Cyclooxygenase Inhibitors for the Treatment of Patent Ductus Arteriosus," The Journal of Pediatric Pharmacology and Therapeutics, Vol. 12, No. 3, July-September 2007
2. H. Miller, "Outpatient Payment in the Private Sector," in N. Goldfield and W. Kelly, Outpatient Prospective Payment, (Gaithersburg, MD, Aspen Publishing, 1999)
3. H. Miller, B. Cassidy, and D. Karr, "Resource Costing for Healthcare Services," in N. Goldfield and W. Kelly, Outpatient Prospective Payment, (Gaithersburg, MD, Aspen Publishing, 1999)
4. D. Karr, H. Miller, and S. McCue, "the Effect of Instrument Type on the Cost of Laparoscopic Surgery," Surgical Endoscopy, 1996
5. H. Miller and W. Kelly, "Prospective Per Case Payment in New York State: An Analysis," in N. Goldfield and P. Boland, Physician Profiling and Risk Adjustment, (Gaithersburg, MD Aspen Publishing, 1996)
6. B. Balicki, H. Miller, W. Kelly, "Benchmarks and Tools for Evaluating Ambulatory Surgery: A Model for Examining Cost Competitiveness," Healthcare Financial Management, Spring, 1995
7. W. Kelly, H. Miller, T. Parciak, "The Need for Alternatives to Capitation Under Managed Care," Managed Care Quarterly, Summer, 1994
8. H. Miller, "Outpatient Prospective Payment Approaches for Use by Insurers," Journal of Ambulatory Care Management, Spring, 1993
9. B. Balicki, H. Miller, W. Kelly, T. Yates, "Guidelines for Managing Ambulatory Surgery Programs in the 1990's," Journal of Ambulatory Care Management, Winter, 1991
10. H. Miller, et.al., "Costs of Ambulatory Care: Implications for Outpatient Prospective Payment Systems," Journal of Ambulatory Care Management, Winter, 1991
11. W. Kelly, P. Tenan, H. Fillmore, H. Miller, "Products of Ambulatory Care Patient Classification System," Journal of Ambulatory Care Management, Winter, 1990

TESTIMONY (2016 – Present)

2025

- *Demia Thomas and George Lowery v. Medstar Washington Hospital Center Corporation*, Superior Court for the District of Columbia, Case No. 2022-CAB-005443, (Deposition).

2024

- *Cipla, USA, Inc. v. Ipsen Biopharmaceuticals, Inc.*, United States District Court for the District of Delaware, Case No. 22-cv-00552 GBW, (Deposition).
- *Scripps Health v. Blue Shield of California*, American Arbitration Association, Case No. 01-23-0000-9314, (Deposition).

- *Leslie J. Gelber v. Caithness Services, LLC*, American Arbitration Association, Case 01-23-0002-7637, (*Deposition*).
- *Jonathan Mendoza and Maria Mendoza, on behalf of their minor son, Jazziel Mendoza Oliveros v. Hospital Development of West Phoenix, Inc. d/b/a/ Abrazo West Campus*, Superior Court of the State of Arizona, County of Maricopa, Case No. CV2021-094672, (*Deposition*).
- *Anjil Jeter v. Comanche Construction of Georgia, LLC.*, State Court of DeKalb County, State of Georgia, Civil Action 21A03631, (*Deposition*).
- *Farid Almasri v. Target Corporation*, Superior Court of the State of California, County of Los Angeles, Case No.: 22STCV08524, (*Deposition*).

2023

- *Fitzgerald, Kloess & Pope Advisors, LLC v. Premier Parking of Tennessee, LLC, Premier Parking Management Company, LLC*, Chancery Court for Davidson County, Tennessee, Case No. 21-1299-BC, (*Deposition*).
- *Dr. Timothy Munderloh, et al. v. Biegler GMBH, Solace Advancement, LLC, et al.*, United States District Court, District of Arizona, Case No. 3:21-CV-08004-GMS, (*Deposition*).
- *Anthony Azzinaro and Kathryn Lindsay v. The Shyft Group, Inc. and the Shyft Group, USA, Inc.*, U.S District Court, District of Arizona, Case No. 2:21-CV-01990-JJT, (*Deposition*).

2022

- *Alpha Omega Lanier Edwards II v. Fast Lane Transportation, Inc.*, Superior Court of the State of California, County of Los Angeles, Case No. 21STCV09757, (*Deposition*).
- *David Wayne Edwards, Jr.; Lyinda Gillman v. Queen of the Valley Medical Center; Shea Pribyl, D.O.*, Superior Court of the State of California, County of Sacramento, Case No. 34-2019-00248337, (*Deposition*).
- *Jafar Roubakhshyengejeh v. Beatrice Montanez*, Superior Court of the State of California, County of Los Angeles. Case No. 19STCV30292, (*Deposition*).
- *Gloria Banda v. Food 4 Less of California, Inc.*, Superior Court of the State of California, County of Los Angeles, Case No. BC663290, (*Deposition*).
- *Beau Towne v. Multicare Health System d/b/a Mary Bridge Children's Hospital*, Superior Court of the State of Washington for Pierce County, Case No. 20-2-04518-2, (*Testimony*).
- *Medical Society of the State of New York v. United Health Group*, United States District Court, Southern District of New York, Civil Action No. 16-CV-5265 (JPO), (*Testimony*).
- *Lori Bush v. Dignity Health*, Superior Court of the State of California for the County of San Bernadino, Case No. CIVDS-1613161, (*Deposition and Testimony*).

2021

- *Adventist Health System/Sunbelt, Inc. v. Humana Medical Plan, Inc.* (Arbitration – American Arbitration Association Case No. 01-19-0002-6864) (*Deposition*).
- *Christopher Bentley v. Scott Gragson*, District Court, Clark County, Nevada, Case No. A-19-796424-C, (*Deposition*).
- *Kaweah Delta Medical Center v. Kaiser Foundation Hospitals*, Superior Court of the State of California for Tulare County, Case No. AH015680 (*Deposition and Trial Testimony*).
- *Medical Mutual of Ohio v. FrontPath Health Coalition*, Court of Common Pleas, Lucas County, Ohio, Case No. CI201703154 (*Deposition*).

- *Kaiser Foundation Hospitals v. Palomar Health F/K/A Palomar Pomerado Health*, Arbitration, JAMS Reference Number 1220063770, (*Deposition*).
- *Perry David Maxwell v. The Boeing Company and Paris Edward Cooper*, United States District Court, Central District of California, Case No. 2:19-cv-05204-DSF-KS (*Deposition*).
- *Baptist Memorial Health Care Corp. v. CIGNA Health Care of Tennessee*, Arbitration, *Deposition and Testimony*).

APPENDIX B
MATERIALS RELIED UPON

Materials Relied Upon
MPFS Evaluations.csv
MPFS Therapeutic Needs.xlsx
Diagnostic and Laboratory Studies.csv
Carbidopa Levodopa.JPG
Donepezil.JPG
Entacapone.JPG
2025 DME - Aids for Independent Function.xlsx
Wheelchair Insurance Coverage.pdf
Hospital Bed Coverage.pdf
Walkers For Seniors Coverage.pdf
Gym Membership Coverage.pdf
Article - Billing and Coding_ Therapy Driving Evaluations (A52772).pdf
MPFS CPT 97166 Rate.csv
2025 Home Health Rates - Daily Care.pdf
2025 VAFS - Support Services.xlsx
Medicare - Home Health Services Coverage.pdf
2024-SNF PPS Methodology.pdf
Facility Care Coverage - VA 2025 Benefits Book.png
2024 MPFS - Physician Care.csv
2025 MPFS - Evaluation and Therapies.csv
Sinemat.JPG
2025 MPFS - Diag and Lab Studies.csv
2025 MPFS - Transportation.csv
SNF PPS FY2025-FR-WAGE-INDEX.xlsx
Prosthetic & Sensory Aids Service (PSAS) - Rehabilitation and Prosthetic Services.pdf
Current VA Health Care Copay Rates _ Veterans Affairs.pdf
Locality Code 2025.xlsx
VA Health Care And Other Insurance _ Veterans Affairs.pdf
Life Care Plan for Robert Eugene Welch, prepared by Michael Shahnasarian, PhD, dated May 8 th , 2025
Parkinsons - LCP Report of Michael Fryar - Materials Considered List (Welch, Sparks, Rothchild).pdf
Life Care Plan for Mr. Robert Welch, prepared by Michael A. Fryar, M.S., RN, CRC, CCM, CLCP, QRP, dated February 1 st , 2025
2025 Medicare Parts A & B Premiums and Deductibles
Eligibility for VA health care
How to get veterans health benefits
Assisted Living Facilities - Geriatrics and Extended Care.pdf
DOJ Camp Lejeune List - Updated 040125 2025-04-01 14.45.03
DOJ Data Memorandum
Exhibit 1 - Final Copy of 25 plaintiffs and service members with PII Total Costs
VHA CLJA Narrative Summary_Final_3-18-25
VBA Disability Ratings, Conditions, and Amounts (03.13.2025)
https://www.va.gov/health-care/about-va-health-benefits/va-health-care-and-other-insurance/

Materials Relied Upon
https://www.medicare.gov/basics/costs/medicare-costs
https://www.va.gov/COMMUNITYCARE/revenue-ops/Fee-Schedule.asp