

ATTACHMENT 7



The State of New Hampshire
Insurance Department
21 South Fruit Street, Suite 14
Concord, NH 03301
(603) 271-2261 Fax (603) 271-1406
TDD Access: Relay NH 1-800-735-2964

Roger A. Sevigny
Commissioner

Alexander K. Feldvebel
Deputy Commissioner

November 10, 2014

SENT VIA EMAIL

Dr. Frank Lavoie, President
MEDICAL MUTUAL INSURANCE CO. of
MAINE
One City Center, Portland, ME 04101

Timothy J. Kenesey, President
MEDICAL PROTECTIVE COMPANY
5814 Reed Rd., Fort Wayne, IN 46835

Jeremy Johnson, President
LEXINGTON INSURANCE COMPANY
99 High Street, 27th Floor, Boston, MA 02110

Gregg L. Hanson, President
PROSELECT INSURANCE COMPANY
101 Arch Street, Boston, MA 02110

Gerard Albanese, Jr. President
ESSEX INSURANCE COMPANY
4521 Highwoods Parkway, Glen Allen, VA
23060

Re: NH Medical Malpractice Joint Underwriting Association Hearing

Dear Dr. Lavoie, Mr. Kenesey, Mr. Johnson, Mr. Hanson and Mr. Albanese:

I am inviting the top five commercial insurers writing medical malpractice insurance in New Hampshire to send representatives to meet with me and my staff on November 20th at 1:30 p.m. here at the Insurance Department.

The purpose of this meeting is to provide you with information related to an upcoming hearing on the question whether medical malpractice insurance is readily available in New Hampshire, and if such insurance is not readily available, whether the current New Hampshire Medical Malpractice Joint Underwriting Association is the most effective means of making such insurance available to health care providers. Your input at this hearing will be critical in my recommendations to the legislature, and I would like to discuss with you the data I am seeking. A notice for the hearing is attached.

Please contact Sarah Prescott at sarah.prescott@ins.nh.gov or (603) 271-7973 x 351 to confirm attendance at this meeting.

Sincerely,

A handwritten signature in black ink, appearing to read "RAS", written over a faint circular stamp.

Roger Sevigny

Enclosure

**New Hampshire Insurance Department Public Hearing Concerning the
New Hampshire Medical Malpractice Joint Underwriting Association
Thursday, December 4, 2014
10:00 am
Hearing Room A at the
Public Utilities Commission (PUC)
21 South Fruit Street, Concord, NH
Please use front entrance facing Fruit Street**

The New Hampshire Insurance Department will host a public hearing on **Thursday, December 4, 2014**, beginning at **10:00 am** in Room A at the Public Utilities Commission (PUC) in the Walker Building, at 21 South Fruit Street, Concord, NH. Please enter the building using the front central doors (facing west across Fruit Street) and follow the signs.

This public hearing is being conducted at the recommendation of the *Commission to Study the New Hampshire Medical Malpractice Joint Underwriting Association*. For more information, visit the Department's *News and Events* page at www.nh.gov/insurance.

The Commission has determined that legislative action is required in the 2015 session to determine the future of the JUA. Without legislative action, the rule authorizing the JUA will expire. Without legislative direction, the Department cannot reauthorize the JUA, and the Department will, of necessity, begin an orderly wind down of JUA business under court supervision in 2015.

Interested parties should attend this public hearing to present testimony to address the following two questions:

- (1) Is medical malpractice coverage "readily available" in the commercial market? In other words, if the JUA were to close, would health care providers be able to purchase medical malpractice insurance from commercial insurers?
- (2) If coverage isn't "readily available," what is the best way to make malpractice insurance available on a guaranteed-issue basis?

The Insurance Department will issue a report addressing these two questions with findings and recommendations. If the testimony received shows that medical malpractice coverage is readily available in the private market, the Department's report will include recommendations for legislation to wind down JUA operations.

Please register in advance if you plan to attend the hearing by emailing Danielle.Barrick@ins.nh.gov or calling Sandra Barlow at 271-7973 x-262.

Comments are welcome in person at the hearing or in writing, submitted to Sandra Barlow by December 4th at the Insurance Department, 21 South Fruit Street, Concord, NH 03301, or Sandra.Barlow@ins.nh.gov.