

FOR IMMEDIATE RELEASE: March 28, 2014

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NH Insurance Commissioner Sets Hearing on Frisbie Patient's Claim of Inadequate Network

New Hampshire Insurance Commissioner Roger Sevigny today issued an order setting a hearing on the allegation made by a patient of Frisbie Memorial Hospital in Rochester that Anthem's provider network for plans sold on the federally-operated New Hampshire Health Insurance Marketplace is inadequate because it does not include Frisbie.

As part of its recommendation of plan approval by federal regulators last summer, the Insurance Department determined that Anthem's network met all applicable state and federal standards for network adequacy.

In November, Frisbie Hospital and Frisbie patient Margaret McCarthy filed a petition with the Department alleging that the network was inadequate and seeking a hearing to present their claims. The petition also asked the NH Insurance Department to order Anthem to include Frisbie in the Marketplace provider network. In December, Commissioner Sevigny denied the petition, finding that the hospital and Ms. McCarthy lack standing to challenge the network because the Department does not have the authority to order Anthem to contract with Frisbie.

Following Commissioner Sevigny's Dec. 11 ruling, the petitioners requested a rehearing, stating this time that Anthem's plans cannot meet network adequacy standards unless they include Frisbie in the provider network. In January, the NH Insurance Department granted the petitioners' request to reconsider the December ruling in order to allow them to argue their new claim.

Today's order finds that Ms. McCarthy does have standing to request a hearing because she now claims to be able to prove that Anthem's network can only meet adequacy standards if Frisbie is in the network.

However, the order affirms the NH Insurance Department's previous ruling that Frisbie Hospital may not challenge the Department's determination because it is not "a person aggrieved by any act or impending act ... of the commissioner."

The order also reasserts that the NH Insurance Department does not directly regulate competition between medical providers, and that the Department does not have the authority to order a carrier to contract with a particular provider.

The NH Insurance Department has scheduled the adjudicative hearing for 10 a.m. April 9 at the Department, at 21 South Fruit St., Concord. The hearing will be open to the public.

The order may be found on the Department's website:

http://www.nh.gov/insurance/legal/documents/ord_notice_hrg_03.28.14.pdf

The New Hampshire Insurance Department's mission is to promote and protect the public good by ensuring the existence of a safe and competitive insurance marketplace through the development and enforcement of the insurance laws of the State of New Hampshire. For more information, visit www.nh.gov/insurance.

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