

**STATE OF NEW HAMPSHIRE
INSURANCE DEPARTMENT**

**In Re: Senior Housing of New Hampshire, Inc.
Docket No.: Ins. No. 23-034-EP**

**NHID'S PROPOSED FINDINGS OF FACT
AND CONCLUSIONS OF LAW
AND REQUEST FOR PROPOSED DECISION**

NOW COMES the New Hampshire Insurance Department ("NHID") by and through its counsel, and pursuant to INS 206.11 and INS 207.04 hereby submits to the Hearing Officer in this matter proposed findings of facts and conclusions of law:

FINDINGS OF FACT

1. Respondent operates a New Hampshire based continuing care community ("CCC") facility, doing said business under the name Meredith Bay Colony Club ("MBCC") and is subject to the jurisdiction of the NHID.
2. On October 6, 2023, NHID issued an Order to Show Cause and Notice of Hearing on the issue of whether Respondent is meeting its liquid reserve requirements under NH RSA 420-D:8, asserting that Respondent's liquid reserves are substantially below the liquid reserve requirement.
3. On October 12, 2023, Respondent submitted a Waiver of Hearing and Stipulation of Insufficient Liquid Reserve ("Waiver and Stipulation"), in which Respondent stipulated that "Respondent does not have liquid reserves equal to 12 months' principal and interest payments plus that portion of 2 months' operating expenses which relates to life care residents as required by N.H. RSA 420-D:8 and waived its right to hearing on that determination."

CONCLUSIONS OF LAW

4. Pursuant to NH RSA 420-D:8, CCCs operating a facility in this state must keep liquid reserves equal to 12 months' principal and interest payments plus that portion of 2 months' operating expenses which relates to life care residents.
5. Respondent has failed to maintain the required liquid reserves under NH RSA 420-D:8, as its liquid reserves do not equal 12 months' principal and interest payments plus that portion of 2 months' operating expenses which relates to life care residents.

PRAYER FOR RELIEF

6. Because Respondent has waived its statutory right to a hearing and there are no further issues for the hearing officer to determine at said hearing, the NHID respectfully requests that the Hearing Officer:
- A. Adopt these findings of fact and conclusions of law;
 - B. Find the NHID has met its burden of proof as set forth in INS 206.05;
 - C. Issue a decision incorporating said findings of facts and conclusions of law; and
 - D. For other relief as is just and proper.

Date: 10/12/23



Joshua S. Hilliard, Esq.
Compliance & Enforcement Counsel

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing was sent this date by first-class mail, postage prepaid to Respondent's counsel at 650 Elm Street, Suite 500, Manchester, NH 30101 and ddeschenes@hinckleyallen.com

Date: 10/12/23



Joshua S. Hilliard, Esq.
Compliance & Enforcement Counsel