

STATE OF NEW HAMPSHIRE
INSURANCE DEPARTMENT

In Re: Aetna Life Insurance Company
Docket No.: Ins. No. 24-017-EP

NHID'S ASSENTED-TO MOTION TO CANCEL HEARING

NOW COMES the New Hampshire Insurance Department ("NHID"), by and through its undersigned counsel, and hereby requests that the hearing officer in this matter cancel the hearing scheduled for May 2, 2024, and in support thereof states as follows:

1. A hearing in this matter is currently scheduled for May 2, 2024.
2. The parties have reached settlement in this matter, as shown in the consent order attached as Exhibit A.
3. As such, pursuant to NH RSA 541-A and Ins. 207.01, the NHID requests that the hearing officer cancel the hearing scheduled for May 2, 2024, as there are no further issues to litigate.
4. The Director of Corporate Compliance for Respondent assents to this request.

WHEREFORE, the NHID requests that the hearing officer:

- a. Cancel the administrative hearing scheduled for May 2, 2024; and
- b. For other relief as is just and proper.

Date: 4/30/2024



Joshua S. Hilliard, Esq.
Compliance & Enforcement Counsel

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of this motion was e-mailed to Respondent's Director of Corporate Compliance at pownallte@aetna.com

Date: 4/30/2024



Joshua S. Hilliard, Esq.
Compliance & Enforcement Counsel

Exhibit A

**STATE OF NEW HAMPSHIRE
INSURANCE DEPARTMENT**

**In Re: Aetna Life Insurance Company
Docket No.: Ins. No. 24-017-EP**

CONSENT ORDER

This Consent Order is made between the New Hampshire Insurance Department (“NHID”) and Aetna Life Insurance Company (“Respondent”), the terms of which are as follows:

FINDINGS OF FACT

1. Respondent is a Connecticut domiciled insurance company which is authorized to write business in NH in the lines of Life, Accident, and Health.
2. In May and June of 2023, the NHID retained the actuarial firm Lewis & Ellis, Inc. to perform actuarial services in review of Respondent’s filings, pursuant to NH RSA 400-A:10, III.
3. NH RSA 400-A:10, III provides that said services “shall be borne by the regulated entity whose rates or forms are the subject of the review.”
4. On or about June 21, 2023, Lewis & Ellis e-mailed respondent with an invoice for services rendered in May 2023. Respondent did not pay the invoice as required by law.
5. On or about July 14, 2023, Lewis & Ellis e-mailed respondent with an invoice for services rendered in June 2023. Respondent did not pay the invoice as required by law.

6. On or about August 29, 2023, Lewis & Ellis e-mailed respondent with the invoices for services rendered in May and June 2023. Respondent did not pay the invoices as required by law.
7. On or about October 11, 2023, the NHID e-mailed Respondent to inquire about the status of payment to Lewis & Ellis, Inc for the services rendered in May and June of 2023. Respondent did not respond to that request.
8. On or about November 22, 2023, the NHID e-mailed Respondent to inquire about the outstanding payment for the actuarial services referenced above. Respondent did not respond to that request.
9. On or about February 5, 2024, the NHID e-mailed Respondent to inquire about the outstanding payment for the actuarial services referenced above and received an out of office message from Respondent's contact, indicating that she would return to the office by February 20, 2024.
10. On or about March 4, 2024, still having received no response, the NHID e-mailed Respondent to inquire about the outstanding payment for the actuarial services referenced above. Respondent did not respond to that request.
11. On March 22, 2024, the NHID issued an Order to Show Cause and Notice of Hearing against Respondent, alleging the violations of law detailed above.
12. Respondent then provided information to the NHID, and by April 9, 2024, had provided proof to the NHID that it had paid the actuary services bills listed above.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact and the applicable provisions of law, the NHID concludes and finds the following Conclusions of Law:

- a. Respondent is subject to the jurisdiction of the NHID.
- b. Respondent violated NH RSA 400-A:10, III by failing to pay in a timely manner the invoice for work performed by Lewis & Ellis.
- c. Respondent violated NH RSA 400-A:16, II by failing to respond to the NHID's requests on October 11, 2023, November 22, 2023, February 5, 2024, and March 4, 2024.
- d. Each identified violation could result in a penalty not to exceed \$2,500.

ORDER

WHEREFORE, the NHID orders and Respondent consents to the following:

- a. The Respondent waives all rights to a formal administrative hearing in this matter and agrees that this Consent Order shall have the full force and effect of an Order fully entered in accordance with the adjudicatory procedure provided for in NH RSA Chapter 541-A and Ins Part 200.
- b. For the purposes of resolving this matter without a formal administrative hearing, Respondent agrees to the following:
 - i. An administrative penalty of \$10,000. The check should be made payable to "Treasurer, State of New Hampshire", and should be mailed to the attention of Sarah Prescott, New Hampshire Insurance Department, 21 South Fruit Street, Suite 14, Concord, NH 03301.
- c. In the event that Respondent fails to meet any of the terms set forth in this section, the NHID may institute further administrative proceedings under the authority of RSA 400-A:15, III or any other applicable law.

- d. By entering into this Consent Order, the NHID and Respondent intend to resolve the administrative penalty stemming from the violations identified above. Provided however, notwithstanding the foregoing, the NHID may take any and all appropriate actions should the Respondent violate any provisions of the State's insurance laws or rules.
- e. This Consent Order shall be fully enforceable in any Superior Court in the State of New Hampshire, and any actions to enforce this Consent Order shall be governed by the laws of the State of New Hampshire.
- f. This Consent Order is considered a public regulatory action and will be reported to the National Association of Insurance Commissioners. The Respondent must, in the future, answer "YES" to any question which asks "have you ever been named or involved as party in an administrative proceeding" or any substantially similar question.

IT IS SO ORDERED.

NEW HAMPSHIRE INSURANCE DEPARTMENT

Date: 4/30/24



David J. Bettencourt, Commissioner

Date: April 19, 2024



Edward Chung-I Lee, Vice President (Authorized Representative, Respondent)