

THE STATE OF NEW HAMPSHIRE

INSURANCE DEPARTMENT

In re Petition of Margaret McCarthy

Docket No. INS 13-038-AP

**LIST OF POTENTIAL EXHIBITS**  
**BY INTERVENING PARTY ANTHEM BLUE CROSS AND BLUE SHIELD**

In accordance with the Hearing Officer's directions at the May 8, 2014 Pre-Hearing Conference, the undersigned Intervening Party, Anthem Blue Cross and Blue Shield ("Anthem"), hereby identifies its list of potential exhibits at the adjudicative hearing scheduled for May 14, 2014. As the Intervening Party, any evidence that Anthem introduces necessarily will depend upon what testimony and other evidence is introduced by Petitioner Margaret McCarthy and the Insurance Department. As of this time, Anthem may introduce the following exhibits at the hearing:

- Exhibit 1      Affidavit Of Robert J. Noonan In Support Of Brief Of Anthem Blue Cross Blue Shield Re: Aggrievement; and
- Exhibit 2      Affidavit of Margaret McCarthy dated April 15, 2014

Dated: May 12, 2014

By 

Michael G. Durham  
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Tel (203) 458-9168

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### CERTIFICATION

This is to certify that a copy of the foregoing was emailed, sent via facsimile and/or mailed, postage prepaid, on the above-written date, to:

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Michael G. Durham

ANTHEM  
EXHIBIT 1

**ATTACHMENT A**

THE STATE OF NEW HAMPSHIRE

INSURANCE DEPARTMENT

In re Petition of Frisbie Memorial Hospital et al.

Docket No. \_\_\_\_\_

**AFFIDAVIT OF ROBERT J. NOONAN  
IN SUPPORT OF BRIEF OF  
ANTHEM BLUE CROSS BLUE SHIELD RE: AGGRIEVEMENT**

I, Robert J. Noonan, being duly sworn, depose and say:

1. I am over the age of 18 years and believe in the obligation of an oath.
2. I am Vice President, Provider Engagement & Contracting for Anthem Blue Cross Blue Shield ("Anthem").
3. I am submitting this Affidavit in further support of Anthem's position, as set forth in its brief submitted to the Department on December 2, 2013, that the Petitioners are not aggrieved and in response to the Petitioners' December 6, 2013 Reply Brief.
4. Anthem has no obligation to contract with Frisbie Memorial Hospital ("Frisbie") in connection with its Pathway network.
5. Anthem made the decision not to contract with Frisbie in connection with its Pathway Network and Frisbie was aware of this decision well before the Department issued its July 31, 2013 approval of Anthem's QHPs for offering on the Exchange. For example, on June 21, 2013, John A. Marzinzik, Frisbie's Senior Vice President and Chief Financial

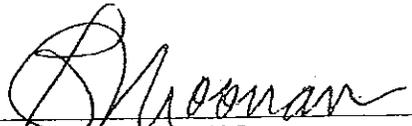
Officer, was advised directly that Frisbie would not be included in Anthem's Pathway Network.

6. Thereafter, by letter of August 14, 2013 to Mr. Marzinzik (Exhibit 1 hereto), I advised Frisbie that its facility and any provider practices owned by it were not included in Anthem's Pathway Network.

7. This decision was independent of, and did not affect or impair in any way, Frisbie's on-going participation in Anthem's network outside the Exchange. Frisbie continues to participate in Anthem's network that serves ninety percent (90%) of Anthem's membership, and Anthem's relationship with Frisbie in connection with its participating facility status remains intact and business is being conducted as usual.

8. In September, 2013, Alvin Felgar, Frisbie's Chief Executive Officer, became very vocal publicly about Frisbie's displeasure over not being included in Anthem's Pathway Network and the Department's approval of Anthem's QHPs for the Exchange. For example, on September 19, 2013, when Anthem presented to the New Hampshire Senate on the Exchange, Mr. Felgar was in attendance and voiced Frisbie's complaints about not being included in Anthem's Pathway Network for the Exchange and the Department's Decision.

Dated at Manchester, New Hampshire this 10<sup>th</sup> day of December, 2013.

  
ROBERT J. NOONAN  
Vice President  
Provider Engagement & Contracting

STATE OF NEW HAMPSHIRE )  
COUNTY OF Hillsborough ) ss.

Subscribed and sworn to before me this 10<sup>th</sup> day of December, 2013.

  
Commissioner of Superior Court  
Notary Public  
DEBORAH M. SNOW  
Notary Public - New Hampshire  
My Commission Expires June 9, 2015

EXHIBIT 1 TO ATTACHMENT A



August 14, 2013

John Marzinzik, VP, Finance  
Frisbie Memorial Hospital  
11 Whitehall Road  
Rochester, NH 03867

SCANNED

Dear John:

As you know, the Affordable Care Act (ACA) calls for the development of new health plans which will be effective on January 1, 2014. These plans include health plans which will be offered on the Health Insurance Marketplaces (commonly referred to as Exchanges) as well as other health plans not purchased on the public exchange.

To support the initiative, Anthem Blue Cross and Blue Shield in New Hampshire has developed a provider network that will serve individuals both on and off the exchange and small groups that purchase products on the Small Business Health Options Program ("SHOP") exchange. This network will be offered alongside these new health plans and is intended to reflect the needs of our anticipated membership. Your facility and any provider practices owned by your facility are not included in this network; however, we will continue to evaluate the needs of our membership as time goes on. Your participation status in other Anthem provider networks remains unchanged.

As a non-participating provider in this new network, services rendered by your facility or any provider practices owned by your facility to members of plans supported by this network will process and pay according to members' out-of-network benefits, if applicable. You will be able to identify these plans by the network name noted on the member ID card. Please notify all of your facility and provider practice staff of this important information.

We will continue to provide updates about this network and the related health plans in the Network Update provider newsletter as well as on [anthem.com](http://anthem.com).

If you have questions concerning this notification please contact your Provider Network Manager.

Sincerely,

A handwritten signature in black ink that reads "Robert J. Noonan".

Robert J. Noonan  
Vice President Provider Engagement & Contracting



OFFICIAL USE

Postage \$

Certified Fee

Return Receipt Fee (Endorsement Required)

Restricted Delivery Fee (Endorsement Required)

Total Post **John Marzinzik**

Sent To **VP, Finance**

**Frisbie Memorial Hospital**

Street, Apt or PO Box **11 Whitehall Road**

City, State, **Rochester, NH 03867**

PS Form 3800, January 2001 See Reverse for Instructions

*8-14-13*

Postmark Here  
*Exchange*  
*Oct. Letter*

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

**John Marzinzik**  
**VP, Finance**  
**Frisbie Memorial Hospital**  
**11 Whitehall Road**  
**Rochester, NH 03867**

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  Addressee  
*X Debra Burrows*

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1?  Yes  No  
If YES, enter delivery address below:

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  O.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

2. Article # (Transfer) **7001 1140 0000 0454 4618**

PS Form 3811, August 2001 Domestic Return Receipt 2ACPRI-03-Z-0965

ANTHEM  
EXHIBIT 2

TIME RECEIVED  
April 15, 2014 10:07:40 AM EDT

REMOTE CSID  
6033329531

DURATION  
55

PAGES  
2

STATUS  
Received

04/15/2014 09:12 6033329531

POSTAL CENTER USA

PAGE 01/02

THE STATE OF NEW HAMPSHIRE

INSURANCE DEPARTMENT

In re Petition of Frisbie Memorial Hospital *et al.*

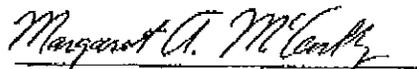
Docket No. \_\_\_\_\_

**AFFIDAVIT OF MARGARET MCCARTHY**

I, Margaret McCarthy, do under oath hereby swear or affirm:

1. I live at 30 Cocheco Ave, East Rochester N.H. 03868.
2. In mid-September, I became aware through media reports that the Anthem "narrow network" would not include my physicians or Frisbie Memorial Hospital.
3. However, at the time I was told by Anthem's customer service people that the narrower network would not affect my policy.
4. On or about October 9, 2014, I received a letter from Anthem notifying me that my policy would not be renewed, and I would then be able to enroll through the Exchange, where, I confirmed that my personal health care providers, and Frisbie, would not be part of the network; in the alternative, I could purchase a new policy that would retain my current providers but would not allow me to take advantage of the subsidies available on the Exchange.

FURTHER AFFIANT SAYETH NOT

  
Margaret McCarthy

THE STATE OF NEW HAMPSHIRE  
COUNTY OF STRAFFORD.

APR 15, 2014

Personally appeared on this 15 day of ~~December~~, <sup>APR</sup> 2014, the above-named Margaret McCarthy, and made oath that the foregoing is true and complete to the best of her knowledge and belief.

*Kristen L. Cadwallader*

Justice of Peace/Notary Public

My commission expires: 2/20/18



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