

**State of New Hampshire
Insurance Department**

In Re: Petition of Margaret McCarthy

Docket No. Ins. 13-038-AR

**RULING on ANTHEM
REQUEST FOR REHEARING**

On March 28, 2014, I issued an Order and Notice of Hearing affirming an Order issued on December 11, 2013, that Petitioner Frisbie Memorial Hospital (Petitioner Frisbee) does not have standing to request a hearing pursuant to RSA 400-A:17,III to challenge the Department's July 2013 decision that health plans offered by Anthem Blue Cross and Blue Shield of New Hampshire ("Anthem") for sale on the Health Insurance Marketplace meet state and federal network adequacy standards. This same Order also found that Petitioner McCarthy does have standing to challenge the adequacy of Anthem's network.

Yesterday Anthem filed what is the second Motion for Rehearing¹ in this matter pursuant to RSA 541, asking that I reconsider the March 28, 2014 Order as to my determinations concerning Petitioner McCarthy. The Anthem motion is based upon two grounds, first, that this March 28, 2014 Order failed to address Anthem's assertion that Petitioner McCarthy's request for hearing under RSA 400-A:17,III was untimely and second, that the Order erroneously found that Petitioner McCarthy had standing.

I am not persuaded that the Motion for Rehearing filed by Anthem raises any new factual or legal issues concerning Petitioner McCarthy's standing that have not already been carefully considered and addressed. However, as to the issue of timeliness, I find that additional factual and legal information should be considered.

Therefore, I order that:

1. In accordance with RSA 541:5, the March 28, 2014, Order is suspended as to the issue of the timeliness of Petitioner McCarthy's November 6, 2014, Request for Hearing under RSA 400-A:17,III;
2. The April 9, 2014 hearing shall be continued;
3. Petitioner McCarthy shall file any legal or factual argument responsive to the Anthem Motion for Rehearing by April 11, 2014;

¹ The Petitioners had previously filed a Motion for Rehearing on January 10, 2014, as to an Order issued on December 11, 2013.

I anticipate issuing a final determination as to the timeliness of Petitioner McCarthy's Request for Hearing on or before April 15, 2014.

If on or before April 15, 2014, I issue an order concluding that Petitioner McCarthy did in fact, file a timely Request for Hearing under RSA 400-A:17,III, then the April 9, 2014, hearing which I today continue, will be rescheduled and will be conducted on **April 22, 2014, at 10:00 a.m.** in accordance with the Order of March 28, 2014.

It is SO ORDERED.

NEW HAMPSHIRE INSURANCE DEPARTMENT

Dated:

4-4-14



Roger A. Sevigny, Commissioner