

**STATE OF NEW HAMPSHIRE
INSURANCE DEPARTMENT**

**In Re: Aetna Health Insurance Company
Docket No.: Ins. No. 25-015-EP**

**ORDER TO SHOW CAUSE
AND
NOTICE OF HEARING**

The New Hampshire Insurance Department ("NHID") orders Aetna Health Insurance Company ("Respondent") to show cause why the New Hampshire Insurance Commissioner should not levy an administrative fine against it and/or suspend Respondent's license to operate in this state. In support of the Order to Show Cause and pursuant to RSA 541-A:31, RSA 400-A:17 *et seq.* and Ins Chapter 200, the NHID states as follows:

STATEMENT OF FACTS

1. Respondent is a Pennsylvania based insurance carrier which is licensed to do business in New Hampshire.
2. On November 6, 2024, NH consumer A.G. filed a complaint with the NHID regarding her concerns over denials of claims by Respondent.
3. On December 13, 2024, NHID Consumer Services Officer ("CSO") Jennifer Rolison spoke to Lisa Gillette, a representative of Respondent, and requested a response from Respondent. CSO Rolison also emailed Ms. Gillette that day reiterating the request and providing her with copies of A.G.'s complaint and communications with Respondent.
4. Ms. Gillette did not respond to that request for information.
5. After receiving no response to the inquiry, CSO Rolison called and spoke with Ms. Gillette again on January 2, 2025.
6. Ms. Gillette indicated she would call CSO Rolison back with an update; she never did so.
7. On January 28, 2025, over a month since first sending a request for information to Respondent, CSO Rolison sent a final request for information to Ms. Gillette, indicating that a response was required within 5 business days.
8. On January 29, 2025, Respondent finally provided a late response to the NHID's inquiries.

9. On January 31, 2025, after reviewing Respondent's January 29, 2025, response, CSO Rolison sent a new request to Respondent for additional information relating to A.G's complaints.
10. Respondent has not responded to that request.

STATEMENT OF ISSUES

11. Whether Respondent violated NH RSA 400-A:16, II by failing to respond to the NHID's December 13, 2024, January 2, 2025, and January 31, 2025, requests.
12. The NHID reserves the right to amend this statement of issues upon reasonable notice to the Commissioner (or his designated Representative) and the Respondent.

INSURANCE LAWS VIOLATED BY RESPONDENT

13. The NHID maintains the Respondent violated the following New Hampshire insurance law statutes: NH RSA 400-A:16, II.
14. The NHID reserves the right to amend this list of insurance laws violated by the Respondent upon reasonable notice to the Commissioner (or his designated Representative) and the Respondent.

PENALTY REQUESTED

15. In the event that the Hearing Officer determines after an evidentiary hearing that the NHID sustained its burden of proof with respect to the allegations of fact and violations of law outlined above, the NHID requests that the Hearing Officer impose the following sanctions on the Respondent:
 - a. Order the Respondent to pay a penalty no less than \$7,500; and
 - b. Order that the Respondent's license in this state be suspended until such time that it responds to the NHID's request for information on A.G's complaint.
16. The NHID reserves the right to amend penalty requested upon reasonable notice to the Commissioner (or his designated Representative) and the Respondent.

NOTICE OF HEARING

17. An adjudicatory proceeding shall be commenced for the purpose of resolving the issues articulated above pursuant to RSA 541-A:31, RSA 400-A:17, *et seq.*, and Ins 200. To the extent that the Department's rules do not address an issue of policy or procedures, the Department shall apply the N.H. Department of Justice Rules, Part 800.
18. The Respondent shall appear at Department on **April 8th, 2025, at 2:00 PM** at the Department's office located at 21 South Fruit Street, Suite 14, in Concord New Hampshire to participate in this adjudicatory proceeding and, if deemed appropriate, be subject to sanctions pursuant to RSA 400-A:15, III. Respondent's failure to appear at the time and place specified above may result in the hearing being held *in absentia* and sanctions may be imposed without further notice or an opportunity to be heard.
19. Steve M. Notinger, Esq. is appointed to act as Hearing Officer in this matter with all the authority within the scope of RSA 400-A:19 and Ins 203.01.
20. Sandra Barlow shall serve as clerk to the Hearing Officer. The parties should direct all communications to Ms. Barlow, whose contact information is:

Sandra Barlow, Clerk
New Hampshire Insurance Department
21 South Fruit Street, Suite 14
Concord, NH 03301
Tel: (603) 271-2033
Fax: (603)271-1406
Email: sandra.l.barlow@ins.nh.gov

21. The Respondent has the right to be represented by a lawyer in this proceeding. However, the Respondent shall bear the cost of retaining said lawyer. Should the Respondent elect to retain a lawyer, his lawyer shall file a Notice of Appearance with Ms. Barlow, and said lawyer should do so at the earliest possible date. A copy of the NHID's Notice of Appearance form is enclosed with this Order.
22. Any party may request a transcript of the proceeding. The party requesting a transcript of the proceedings shall file a written request for a certified court reporter with the Hearing Officer at least 10 days prior to the scheduled hearing date. The costs incurred for the services of a certified court reporter shall be borne by the requesting party.
23. Joshua Hilliard, Esq. shall serve as staff advocate representing the interests of the NHID.

24. All routine procedural inquiries may be made by contacting Sandra Barlow, Hearing Clerk, New Hampshire Insurance Department, 21 South Fruit Street, Suite 14, Concord NH 03301, (603) 271-2033, but that all other communications with the Hearing Officer and the Commissioner shall be in writing and filed as provided above. *Ex parte* communications are forbidden by statute and the Department's regulations.

25. A copy of this hearing notice shall be served upon Respondent by certified mail addressed to the mailing address on file with New Hampshire Insurance Department. See, RSA 400-A:14.

It is **SO ORDERED**.

NEW HAMPSHIRE INSURANCE DEPARTMENT

Date: 02/26/2025



Keith E. Nyhan
Deputy Insurance Commissioner

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing Order to Show Cause and Notice of Hearing was sent this date by first-class mail, postage prepaid, and by certified mail, return receipt requested to ATTN: STAT COMPLIANCE; P.O. BOX 818048 CLEVELAND, OH 44181-8048 and STATUTORYREPORTING@AETNA.COM, the mailing address and email address Respondent maintains on file with the Department.

Date: 2/26/25



Joshua S. Hilliard, Esq.
Compliance & Enforcement Counsel