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STATE OF WASHINGTON
OFFICE OF THE INSURANCE COMMISSIONER

In re

Seattle Children's Hospital's Appeal of
OIC's Approvals of HBE Plan Filings

NO. 13-0293

[CORRECTED]
BRIDGESPAN HEALTH COMPANY'S
REPLY IN SUPPORT OF OIC
OBJECTION TO NOTICE OF HEARING

BridgeSpan agrees with Seattle Children's Hospital ("SCH") that an "informed ruling" is in the public interest. [Seattle Children's Hospital's Response to OIC Staff's Objection to Notice, p. 1.] BridgeSpan does not agree that a June 9, 2014, hearing is necessary or appropriate for the following reasons.

1. SCH has failed to demonstrate how a July, August, September or later hearing date will prejudice it. SCH asserts that "further delay ... results in the denial or delay of needed coverage and medical care to children and their families" but does not explain why this is the case – the networks at issue are approved for calendar year 2014 by OIC, the Washington Health Insurance Exchange and the governing federal authority – HHS. Contracts reliant on those networks are in force. While it is not even clear that SCH seeks reversal of the OIC approval, it is clear that this tribunal has no authority over the Washington Health Benefit Insurance Exchange or HHS.

2. An "informed ruling" requires discovery into SCH's allegations, including, but not limited to, the alleged administrative burden it attributes to its lack of a contract with

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1 intervenors. (While the relevance of this contention remains to be determined, it has figured
2 prominently in the SCH filings and therefore needs to be investigated.)

3 In the May 14, 2014, hearing, the last before the OIC hearing officer was placed on
4 leave, the OIC and intervenors requested leave under RCW 34.05.446 and WAC 10-08-122 to
5 depose SCH's listed witnesses concerning this and other issues. The hearing officer suggested
6 that the parties go forward with the depositions of those witnesses, but such depositions have
7 not been taken or scheduled.

8 3. The orderly progression of this matter has been stopped by the extraordinary
9 events leading up to the presiding officer being placed on leave. The circumstances are not
10 attributable to intervenors, members of the OIC staff involved in this matter or SCH. No party
11 should be prejudiced by this disruption.

12 4. The June 9 hearing date was set without giving the OIC, Premera or
13 BridgeSpan the opportunity to apprise the hearing officer of key witness unavailability.
14 Parties have since advised that critical witnesses are out of state or otherwise unavailable
15 during the week of June 9.

16 5. A June 9 hearing date assumes that the orders entered to date and the statement
17 of issues devised by the hearing officer will remain viable – a questionable assumption given
18 the potential ramifications of the uninvited transmission of the hearing officer's confidential
19 whistleblower complaint to SCH counsel. A deposition inquiring into those circumstances is
20 set for May 28, 2014 (a request to postpone that deposition has been received from the
21 witness's employer). The deposition may give rise to substantive motions in this matter and
22 profound revisions to the record.

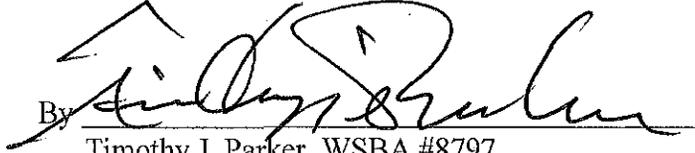
23 CONCLUSION

24 Until SCH articulates compelling reasons why an immediate hearing is required and
25 until the other parties are given the opportunity to conduct necessary discovery and make
26

1 critical witnesses and evidence available for the hearing, there is no reason to truncate
2 prehearing proceedings.

3 Respectfully submitted this 23 day of May, 2014.

4 CARNEY BADLEY SPELLMAN, P.S.

5
6  By Timothy J. Parker

7 Timothy J. Parker, WSBA #8797

8 Jason W. Anderson, WSBA #30512

9 Melissa J. Cunningham, WSBA #46537

10 Attorneys for BridgeSpan Health Company

CERTIFICATE OF SERVICE

I, Christine Williams, under oath hereby declare as follows: I am an employee at Carney Badley Spellman, P.S., over the age of 18 years, and not a party to nor interested in this action. On May 23, 2014, I caused to be delivered via e-mail and U.S. mail a copy of the foregoing document on the following parties at the last known address as stated:

<p>OIC Hearings Unit – ORIGINAL Office of the Insurance Commissioner 5000 Capitol Boulevard Tumwater, WA 98501 Email: kellyc@oic.wa.gov</p>	<p><u>Attorney for Seattle Children’s Hospital</u> Michael Madden Bennett Bigelow & Leedom, P.S. 601 Union Street, Suite 1500 Seattle, WA 98101 Email: mmadden@bbllaw.com</p>
<p><u>Attorney for OIC</u> Marta U. DeLeon Office of the Attorney General P.O. Box 40100 Olympia, WA 98504-0100 Email: martad@atg.wa.gov</p>	<p><u>Attorney for Premera Blue Cross</u> Gwendolyn C. Payton Lane Powell PC 1420 Fifth Avenue, Suite 4100 Seattle, WA 98101-2338 Email: paytong@lanepowell.com</p>
<p><u>Deputy Insurance Commissioner for Legal Affairs</u> AnnaLisa Gellerman Deputy Insurance Commissioner for Legal Affairs Office of the Insurance Commissioner P.O. Box 40255 Olympia, WA 98504-0255 Email: annalisag@oic.wa.gov</p>	<p><u>Legal Affairs Division</u> Charles Brown Legal Affairs Division Office of the Insurance Commissioner P.O. Box 40255 Olympia, WA 98504-0255 Email: charlesb@oic.wa.gov</p>

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT.

DATED this 23rd day of May, 2014, at Seattle, Washington.

Christine Williams, Legal Assistant