

STATE OF CONNECTICUT INSURANCE DEPARTMENT

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In the Matter of:

THE PROPOSED RATE INCREASE APPLICATION OF  
ANTHEM BLUE CROSS and BLUE SHIELD

Docket No. LH 14-155

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June 19, 2014

PETITION TO BE NAMED AS INTERVENOR

1. The State of Connecticut Office of the Healthcare Advocate (the "OHA") is established by Conn.Gen.Stat. §§ 38a-1040 to 38a-1050.
2. The duties of the Office of the Healthcare Advocate specifically allow the Office to "provide information to the public, agencies and legislators and others regarding problems and concerns of health insurance consumers and make recommendations for resolving those problems and concerns." Conn.Gen.Stat. § 38a-1051(b)(3)
3. The duties of the Office of the Healthcare Advocate specifically allow the Office to "analyze and monitor the development and implementation of federal, state and local laws. Regulations and policies relating to health insurance consumers and recommend changes it deems necessary." Conn.Gen.Stat. § 38a-1051(b)(5)
4. The duties of the Office of the Healthcare Advocate specifically allow for the facilitation of public comment on laws, regulations and policies, including policies and actions of health insurers. Conn.Gen.Stat. § 38a-1051(b)(6).
5. The duties of the Office of the Healthcare Advocate also allow it to pursue administrative remedies on behalf of healthcare consumers and take any other actions necessary to fulfill the purposes of the statutes governing the Office. Conn.Gen.Stat. §§ 38a-1051(b)(11) and (13).
6. The Healthcare Advocate asserts her right to request a hearing and intervene on behalf of her office in this action as a matter of right pursuant to the letter of agreement dated August 1, 2011, between her and Commissioner Thomas Leonardi (attached), which was reached in order to enable the General Assembly to avoid undertaking a veto override of SB 11, "An Act Concerning the Rate Approval Process for Certain health Insurance Policies," and which states that the Commissioner will hold a hearing:
  - when requested by the Health Care Advocate;

- in accordance with the Uniform Administrative Procedure Act (Chapter 54 of the General Statutes);
- for rate increases of at least 15 percent or more; • on individual medical insurance plans, whether offered by an insurance company or an HMO and small group health insurance (groups with 50 or fewer employees) offered by an HMO;
- up to four hearings per calendar year; and
- effective immediately.

The agreement also specifies that it does not impair the Commissioner's general discretionary authority to call for and hold rate hearings

7. Several rate increases proposed by Anthem in this case meet or exceed the 15% threshold for this agreement.
8. The August 1, 2011 letter of agreement enables intervention as a matter of right under the circumstances described therein.
9. OHA's rights, duties or privileges granted under that August 1, 2011 agreement and by law under Conn. Gen. Stat. §§ 38a-1041 et seq. will be specifically affected by the Commissioner's decision in this contested case because the consumers whose interests it represents will be directly impacted by any rate increases that may be granted.
10. Notwithstanding OHA's right to intervene as a matter of right conferred through its agreement with the Commissioner, OHA also asserts the right to intervene on the complete filing because of its general statutory role.
11. The Office of the Healthcare Advocate regularly assists consumers who are insured by Anthem Blue Cross Blue Shield ("Anthem") individual health insurance policies, including those that are the subject of the Applicant's rate filing.
12. So far in 2014, the Office of the Healthcare Advocate assisted approximately 180 (180) Anthem members with problems related to selecting plans, affording plans or denials of coverage. In 2013, the Office of the Healthcare Advocate assisted approximately 400 (400) Anthem members with problems related to selecting plans, affording plans or denials of coverage.
13. The Office of the Healthcare Advocate routinely advocates on behalf of consumers to Anthem and its brokers on matters pertaining to the scope and cost of their individual insurance coverage.
14. The Connecticut Superior Court recognized the right of the Office of the Healthcare Advocate to intervene in actions on behalf of Connecticut healthcare consumers by granting the Office intervenor status in Health Net of Connecticut v. Freedom of Information Commission, et al., 2006 WL 3691796 (Conn.Super.), 42 Conn. L. Rptr. 441, 11/29/2006.

15. The Office intervenes in this matter on its own behalf and on behalf of consumers of health insurance in order to ensure a fair and complete adjudication of the rate approval process as it relates to the instant application.

16. OHA has received complaints from consumers who have been notified about the proposed rate increases in the Anthem filing at issue.

17. OHA believes that Anthem's filing does not provided sufficient data for the Department to determine whether Anthem has met its burden of demonstrating that its rates for the subject policies are not excessive under the law.

18. OHA also asserts that to the extent the rate increases are not supported by data, Anthem also will have failed to justify additional hardships that increased rates will impose on individuals attempting to obtain individual health insurance either through the health care exchange or the individual health insurance market in contravention of the strong public policy in favor of extending affordable health plans to consumers under the federal Affordable Care Act.

19. Because of its statutory authority to protect Connecticut consumers of health benefits provided through regulated insurance plans and, in particular, the large volume of Anthem members that the Office of the Healthcare Advocate serves in that capacity, the Office of the Healthcare Advocate's intervention in this matter is in the interests of justice and will enhance rather than impair the orderly conduct of the proceedings.

*Therefore*, the Office of the Healthcare Advocate requests that it be named as an intervenor in this matter as a matter of right and be granted all rights associated with such status, including the right to review all evidence presented in this matter and the right to examine and cross examine witnesses.

OFFICE OF THE HEALTHCARE ADVOCATE

By: \_\_\_\_\_

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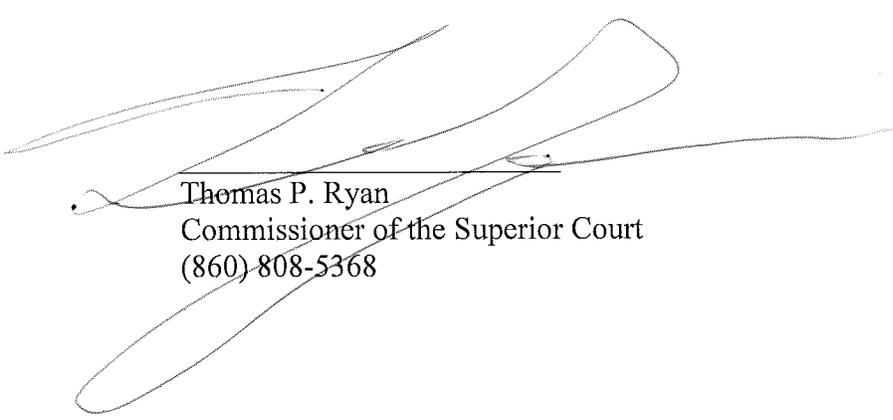
CERTIFICATION

I hereby certify that copies of the above petition were sent by electronic mail to each of the following on this 19<sup>th</sup> day of June, 2014:

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