



**The State of New Hampshire
Insurance Department**

21 South Fruit Street, Suite 14
Concord, NH 03301

**David J. Bettencourt
Commissioner**

**Keith E. Nyhan
Deputy Commissioner**

March 22, 2024

VIA EMAIL: lee1@aetna.com

VIA FIRST-CLASS & CERTIFIED MAIL: 7011 2000 0001 8842 8312

Aetna Life Insurance Company
151 Farmington Avenue
Hartford, CT 06156

Re: Order to Show Cause & Notice of Hearing, Docket No.: INS No. 24-017-EP

Dear Aetna Life Insurance Company,

Enclosed please find an Order to Show Cause and Notice of Hearing issued by Commissioner D.J. Bettencourt.

A hearing in this matter has been scheduled on **May 2, 2024 at 1:30 PM** at the New Hampshire Insurance Department located at 21 South Fruit Street, Suite 14, Concord, NH. You may find driving directions and additional information on our website at <http://www.nh.gov/insurance>

Sincerely,

A handwritten signature in blue ink, appearing to read "Joshua S. Hilliard".

Joshua S. Hilliard, Esq.
Compliance and Enforcement Counsel
New Hampshire Insurance Department
Telephone: (603) 271-2482
Email: joshua.s.hilliard@ins.nh.gov

**STATE OF NEW HAMPSHIRE
INSURANCE DEPARTMENT**

**In Re: Aetna Life Insurance Company
Docket No.: Ins. No. 24-017-EP**

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

The New Hampshire Insurance Department (“NHID”) orders Aetna Life Insurance Company (“Respondent”) to show cause why the New Hampshire Insurance Commissioner should not levy an administrative fine against it and order its authority to issue insurance in the state be suspended. 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 Connecticut domiciled insurance company which is authorized to write business in NH in the lines of Life, Accident, and Health.
2. In May and June of 2023, the NHID retained the actuarial firm Lewis & Ellis, Inc. to perform actuarial services in review of Respondent’s filings, pursuant to NH RSA 400-A:10, III.
3. NH RSA 400-A:10, III provides that said services “shall be borne by the regulated entity whose rates or forms are the subject of the review.”
4. On or about June 21, 2023, Lewis & Ellis e-mailed respondent with an invoice for services rendered in May 2023. Respondent did not pay the invoice as required by law.
5. On or about July 14, 2023, Lewis & Ellis e-mailed respondent with an invoice for services rendered in June 2023. Respondent did not pay the invoice as required by law.
6. On or about August 29, 2023, Lewis & Ellis e-mailed respondent with the invoices for services rendered in May and June 2023. Respondent did not pay the invoices as required by law.

7. On or about October 11, 2023, the NHID e-mailed Respondent to inquire about the status of payment to Lewis & Ellis, Inc for the services rendered in May and June of 2023. Respondent did not respond to that request.
8. On or about November 22, 2023, the NHID e-mailed Respondent to inquire about the outstanding payment for the actuarial services referenced above. Respondent did not respond to that request.
9. On or about February 5, 2024, the NHID e-mailed Respondent to inquire about the outstanding payment for the actuarial services referenced above and received an out of office message from Respondent's contact, indicating that she would return to the office by February 20, 2024.
10. On or about March 4, 2024, still having received no response, the NHID e-mailed Respondent to inquire about the outstanding payment for the actuarial services referenced above. Respondent did not respond to that request.
11. To date, Respondent has not responded to any of the NHID's inquiries and has not paid for the actuarial services referenced above.

STATEMENT OF ISSUES

12. Whether Respondent violated NH RSA 400-A:10, III by failing to pay the invoice for work performed by Lewis & Ellis in May 2023.
13. Whether Respondent violated NH RSA 400-A:10, III by failing to pay the invoice for work performed by Lewis & Ellis in June 2023.
14. Whether Respondent violated NH RSA 400-A:16, II by failing to respond within 10 working days to the NHID's October 11, 2023, request.
15. Whether Respondent violated NH RSA 400-A:16, II by failing to respond within 10 working days to the NHID's November 22, 2023, request.
16. Whether Respondent violated NH RSA 400-A:16, II by failing to respond within 10 working days to the NHID's February 5, 2023, request.
17. Whether Respondent violated NH RSA 400-A:16, II by failing to respond within 10 working days to the NHID's March 4, 2023, request.

18. 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

19. The NHID maintains the Respondent violated the following New Hampshire insurance law statutes: NH RSA 400-A:10, III and NH RSA 400-A:16, II.
20. 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

21. 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 Respondent to pay a penalty of \$15,000; and
 - b. Order Respondent's authority in this state to issue insurance be suspended until it has paid the invoices identified above.
22. 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

23. 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.
24. The Respondent shall appear at Department on **May 2, 2024 at 1:30 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.

25. Emily Doherty, 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.
26. 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

27. Respondent has the right to be represented by a lawyer in this proceeding. However, Respondent shall bear the cost of retaining said lawyer. Should Respondent elect to retain a lawyer, its 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.
28. 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.
29. Joshua Hilliard, Esq. shall serve as staff advocate representing the interests of the NHID.
30. 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.

31. 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: 3/22/24



David J. Bettencourt
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 Respondent at 151 Farmington Avenue, Hartford, CT 06156 and lee1@aetna.com, the mailing and e-mail addresses the Respondent has on file with the NHID.

Date: 3/22/24



Joshua S. Hilliard, Esq.
Compliance & Enforcement Counsel