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2014 APR 21¹⁸ A 9:54
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CITIZEN SERVICE UNIT
PATRICIA L. PETERSEN
CHIEF PRESIDING OFFICER

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

HEALTH CARRIERS' ISSUES

1. Is the remedy sought by Seattle Children's Hospital:
 - (a) OIC staff reconsideration of the decisions approving Premera Blue Cross, Coordinated Care and BridgeSpan networks ("Decisions"); or
 - (b) Imposition of a stay of the Decisions approving networks; or
 - (c) Revocation or reversal of the OIC's Decisions approving networks; or
 - (d) Vacation of the decisions and remand of the network filings to the OIC for review?
2. What relief, if any, can be provided by this tribunal for the 2014 plan year, where member contracts have been approved, sold and are in force?
3. Did the OIC comply with applicable laws when approving the networks for the 2014 plan year?
 - (a) Can the OIC compel a health carrier to contract with any individual provider?

HEALTH CARRIERS ISSUES - 1

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(b) Can health carriers use alternative arrangements to provide coverage for unique services?

(c) Does the proceeding affect the Washington Exchange and CMS's federal approval of these networks?

4. Are the Health Carriers' Members receiving medically necessary services during the 2014 plan year?

DATED this 18th day of April, 2014.

CARNEY BADLEY SPELLMAN, P.S.

By 
Timothy J. Parker, WSBA # 8797
Jason W. Anderson, WSBA # 30512
Melissa J. Cunningham, WSBA # 46537
Attorney for BridgeSpan Health Company

STOEL RIVES LLP

By - attached -
Maren R. Norton, WSBA # 35435
Karin D. Jones, WSBA # 42406
Attorneys for Coordinated Care Corporation

LANE POWELL PC

By Gwendolyn Payton - per email
Gwendolyn C. Payton, WSBA# 26752 *authorization*
Attorneys for Premera Blue Cross

(b) Can health carriers use alternative arrangements to provide coverage for unique services?

(c) Does the proceeding affect the Washington Exchange and CMS's federal approval of these networks?

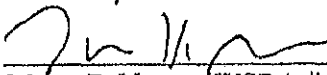
4. Are the Health Carriers' Members receiving medically necessary services during the 2014 plan year?

DATED this 18th day of April, 2014.

CARNEY BADLEY SPELLMAN, P.S.

By _____
Timothy J. Parker, WSBA # 8797
Jason W. Anderson, WSBA # 30512
Melissa J. Cunningham, WSBA # 46537
Attorney for BridgeSpan Health Company

STOEL RIVES LLP

By  _____
Maren R. Norton, WSBA # 35435
Karin D. Jones, WSBA # 42406
Attorneys for Coordinated Care Corporation

LANE POWELL PC

By _____
Gwendolyn C. Payton, WSBA# 26752
Attorneys for Premera Blue Cross


DECLARATION 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 April 18, 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>Judge Patricia Petersen – ORIGINAL Chief Hearing Officer 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>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>Attorney for Coordinated Care</u> Maren R. Norton Stoel Rives, LLP 600 University Street, Suite 3600 Seattle, WA 98101 Email: mrnorton@stoel.com</p>
<p>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 18th day of April, 2014, at Seattle, Washington.



Christine Williams, Legal Assistant

FILED

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CLERK OF THE COURT
PACIFIC J. PETERSEN
CHIEF PRESIDING OFFICER

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BEFORE THE STATE OF WASHINGTON
OFFICE OF THE INSURANCE COMMISSIONER

In re

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

Docket No. 13-0293

COORDINATED CARE
CORPORATION'S DISCLOSURE
OF POSSIBLE WITNESSES

Coordinated Care Corporation ("Coordinated Care") may call the following witnesses at
the hearing:

1. Jay Fathi, MD.

Dr. Fathi is the CEO of Coordinated Care. He may be called to testify regarding
Coordinated Care's network, Coordinated Care's engagement with the Office of the Insurance
Commissioner ("OIC") to gain approval of Coordinated Care's network, the use of single case
agreements, and other information relevant to this action.

2. Charles Levine.

Mr. Levine is Coordinated Care's Vice President, Network Development and
Contracting. He may be called to testify regarding means and methods of contracting with

COORDINATED CARE CORPORATION'S DISCLOSURE OF POSSIBLE WITNESSES - 1

1 providers, challenges associated with contracting with particular providers, and other information
2 relevant to this action.

3 **3. Nathan Moore.**

4 Mr. Moore is Coordinated Care's Vice President, Operations. He may be called to testify
5 regarding the formation of Coordinated Care's network, the use of single case agreements, and
6 other information relevant to this action.
7

8 **4. Katie Rogers.**

9 Ms. Rogers is Coordinated Care's Vice President, Compliance. She may be called to
10 testify regarding Coordinated Care's engagement with the OIC to gain approval of Coordinated
11 Care's network, the OIC's process of review, and other information relevant to this action.
12

13 Coordinated Care reserves the right to call any individual identified by the other parties to
14 this matter and any other individual identified during the course of discovery. Coordinated Care
15 further reserves the right to supplement or amend this preliminary list as this litigation
16 progresses.

17 By listing a potential witness, Coordinated Care expressly reserves any privileges
18 associated with that witness's testimony and does not intend to waive any such privileges.
19 Coordinated Care maintains the right to full protection of all consulting experts as provided for
20 by the Washington State Civil Rules of Procedure and any applicable case law prohibiting parties
21 from using any deposition, or portions thereof, of any consulting expert not chosen by
22 Coordinated Care to be called as a testifying expert.
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1 DATED this 18th day of April, 2014.

2
3 STOEL RIVES, LLP

4 By: 

5 Maren R. Norton, WSBA No. 35435

6 Karin D. Jones, WSBA No. 42406

7 600 University Street, Suite 3600

8 Seattle, WA 98101

9 Telephone: 206.624.0900

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11 Email: mrnorton@stoel.com

12 Email: kdjones@stoel.com

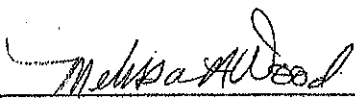
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26 Attorneys for Coordinated Care Corporation

CERTIFICATE OF SERVICE

I, Melissa Wood, hereby certify that I am employed at the law firm of Stoel Rives, LLP, over the age of 18 years and not a party to this action. On April 18, 2014, I caused to be delivered in the manner indicated a copy of the foregoing document on the following parties:

<p>Judge Patricia Peterson Chief Hearing Officer Office of the Insurance Commissioner 5000 Capitol Boulevard Tumwater, WA 98501 Email: kellyc@oic.wa.gov</p> <p><i>via email and U.S. mail</i></p>	<p>Attorney for Seattle Children's Hospital</p> <p>Michael Madden Bennett Bigelow & Leedom, P.S. 601 Union Street, Suite 1500 Seattle, WA 98101 Email: mmadden@bblaw.com</p> <p><i>via email and U.S. mail</i></p>
<p>Attorneys for OIC</p> <p>Marta U. DeLeon Office of the Attorney General P.O. Box 40100 Olympia, WA 98504-0100 Email: martad@atg.wa.gov</p> <p>AnnaLisa Gellerman Deputy Insurance Commissioner for Legal Affairs Office of the Insurance Commissioner P.O. Box 40155 Olympia, WA 98504-0255 Email: annalisag@oic.wa.gov</p> <p>Charles Brown Legal Affairs Division Office of the Insurance Commissioner P.O. Box 40255 Olympia, WA 98504-0255 Email: charlesb@oic.wa.gov</p> <p><i>via email only</i></p>	<p>Attorney for Premera Blue Cross</p> <p>Gwendolyn C. Payton Lane Powell PC 1420 Fifth Avenue, Suite 4100 Seattle, WA 98101-2338 Email: paytong@lanepowell.com</p> <p><i>via email only</i></p> <hr/> <p>Attorney for BridgeSpan Health Company</p> <p>Timothy J. Parker Carney Badley Spellman 701 Fifth Avenue, Suite 3600 Seattle, WA 98104-7010 Email: Parker@carneylaw.com</p> <p><i>via email only</i></p>

DATED April 18, 2014.



Melissa Wood, Legal Practice Assistant
STOEL RIVES LLP

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PACIFIC JUDICIAL CENTER
CHIEF PRESIDING OFFICER

STATE OF WASHINGTON
OFFICE OF THE INSURANCE COMMISSIONER

In re

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OIC's Approvals of HBE Plan Filings

NO. 13-0293

INTERVENOR BRIDGESPAN
HEALTH COMPANY'S DISCLOSURE
OF POSSIBLE PRIMARY WITNESSES

Intervenor BridgeSpan Health Company ("BridgeSpan") submits the following list of possible witnesses to be called at the hearing.

1. **Beth Johnson, Regional Vice President of Network Management and Contracting Strategy for Regence BlueShield.** Ms. Johnson may be called to testify regarding the need for a high-value network on the Washington Exchange, BridgeSpan's provider network, the process of developing a qualified health plan for approval by the Office of the Insurance Commissioner, unsuccessful contract negotiations with Seattle Children's Hospital, and other information relevant to this action.

2. **Paul Baron, Director of Provider Contracting for Regence BlueShield.** Mr. Baron may be called to testify regarding BridgeSpan's provider network, the negotiation of single-case agreements with Seattle Children's Hospital, and other information relevant to this action.

BRIDGESPAN HEALTH COMPANY'S
DISCLOSURE OF POSSIBLE PRIMARY
WITNESSES - 1

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SPELLMAN

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3. **Rick Nakayama, Senior Provider Contract Management Specialist for Regence BlueShield.** Mr. Nakayama may be called to testify regarding BridgeSpan's contracts with Essential Community Providers, the process of developing a qualified health plan for approval by the Office of the Insurance Commissioner, and other information relevant to this action.

4. **Dennis Hagemann, Senior Provider Contracting Executive for Regence BlueShield.** Mr. Hagemann may be called to testify regarding BridgeSpan member benefits, the negotiation of single-case agreements with Seattle Children's Hospital, the frequency and terms of single-case agreements with Seattle Children's Hospital, and other information relevant to this action.

5. **Regence BlueShield Utilization Review Representative.** BridgeSpan may call a to-be-determined representative to testify regarding utilization review and prior authorization requirements and process for those members who need medically necessary services only available at Seattle Children's Hospital.

6. BridgeSpan may call any of the individuals identified by the other parties in their identification of witnesses. This includes lay witnesses, medical providers and experts.


7. BridgeSpan reserves the right to supplement this list as subsequent changes are made in the other parties' disclosure of witnesses.

8. BridgeSpan also reserves the right to call rebuttal witnesses where appropriate who may not be known to BridgeSpan at this time or who may not be known to have testimonial knowledge at this time.

9. This disclosure represents BridgeSpan's best effort to identify persons who are most likely to be witnesses. BridgeSpan does not represent that the witnesses will actually be called.

DATED this 18th day of April, 2014.

CARNEY BADLEY SPELLMAN, P.S.

By 

Timothy J. Parker, WSBA # 8797

Jason W. Anderson, WSBA # 30512

Melissa J. Cunningham, WSBA # 46537

Attorney for BridgeSpan Health Company

DECLARATION 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 April 18, 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>Judge Patricia Petersen – ORIGINAL Chief Hearing Officer 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>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>Charles Brown Legal Affairs Division Office of the Insurance Commissioner P.O. Box 40255 Olympia, WA 98504-0255 Email: charlesb@oic.wa.gov</p>	<p><u>Attorney for Coordinated Care</u> Maren R. Norton Stoel Rives, LLP 600 University Street, Suite 3600 Seattle, WA 98101 Email: mrnorton@stoel.com</p>

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

DATED this 18th day of April, 2014, at Seattle, Washington.



Christine Williams, Legal Assistant

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STATE OF WASHINGTON
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CHIEF PRESIDING OFFICER

STATE OF WASHINGTON
OFFICE OF THE INSURANCE COMMISSIONER

In re

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

DOCKET NO. 13-0293

PREMERA BLUE CROSS'
DISCLOSURE OF POSSIBLE
WITNESSES

Premera Blue Cross submits the following list of potential witnesses to be called at the hearing.

1. **Rich Maturi.**

Rich Maturi is Senior Vice President for Health Care Delivery Systems. He may be called on to testify regarding the issues relevant to this action, including but not limited to Premera's efforts with the OIC to approve and implement its Exchange Network, the efficiency and effectiveness of that network and Premera's interactions with Seattle Children's Hospital.

2. **Dr. John Espinola.**

Dr. Espinola is Premera's Vice President of Medical Services. He may be called on to testify regarding the issues relevant to this action, including but not limited to Premera's efforts to insure its Members receive medically necessary treatment.

PREMERA BLUE CROSS' DISCLOSURE OF POSSIBLE
WITNESSES - 1
DOCKET NO. 13-0293

LANE POWELL PC
1420 FIFTH AVENUE, SUITE 4200
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SEATTLE, WA 98111-9402
206.223.7000 FAX: 206.223.7107

3. Bill Akers.

Bill Akers is Vice President of Health Care Delivery Systems and General Manager of Eastern Washington. He may be called on to testify regarding the issues relevant to this action, including but not limited to Premera's efforts with the OIC to approve and implement its Exchange Network, the efficiency and effectiveness of that network and Premera's interactions with Seattle Children's Hospital.

4. Waltraut Lehmann.

Waltraut Lehmann is the Manager of Regulatory Affairs. She may be called on to testify regarding the issues relevant to this action, including but not limited to Premera's efforts with the OIC to approve and implement its Exchange Network, the efficiency and effectiveness of that network and Premera's interactions with Seattle Children's Hospital.

Any other individual identified during the course of discovery.

Any witnesses identified by the OIC, by Intervenors, or by Seattle Children's Hospital. Premera does not intend to waive and reserves the right to challenge any witnesses identified by the OIC or by Seattle Children's Hospital.

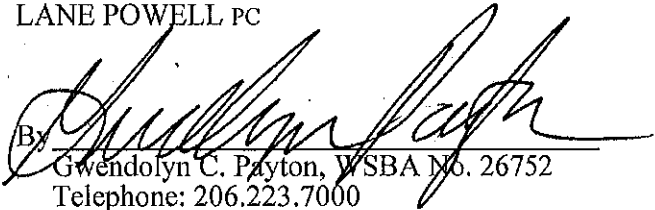
Premera reserves the right to supplement this list as discovery progresses.

Premera reserves the right to amend and delete witnesses from this disclosure, due to scheduling or availability conflicts, new issues raised by any party during the course of discovery or as it otherwise becomes appropriate given the course of this action.

Premera has listed those witnesses who may be called to testify. However, by listing a name, Premera does not intend to waive and expressly reserves any privilege with respect to any witnesses listed herein. Premera maintains the right to full protection of all consulting experts as provided for by Washington State Civil Rules of Procedure and any applicable case law which prohibits parties from using any deposition, or portions thereof, of any consulting expert not chosen by Premera to be called as an expert to give testimony at the time of hearing.

DATED: April 18, 2014

LANE POWELL PC

By 

Gwendolyn C. Payton, WSBA No. 26752

Telephone: 206.223.7000

Facsimile: 206.223.7107

Attorneys for Premera Blue Cross

PREMERA BLUE CROSS' DISCLOSURE OF POSSIBLE
WITNESSES - 3
DOCKET NO. 13-0293

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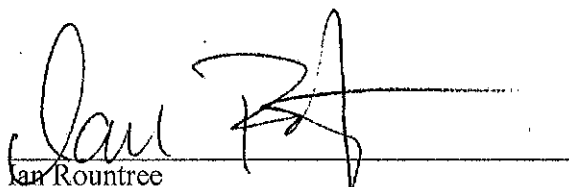
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CERTIFICATE OF SERVICE

I, Ian Rountree, hereby certify under penalty of perjury of the laws of the State of Washington that on April 18, 2014, I caused to be served a copy of the attached document to the following person(s) in the manner indicated below at the following address(es):

<u>Chief Hearing Officer</u> Judge Patricia Petersen Office of the Insurance Commissioner 5000 Capitol Boulevard Tumwater, WA 98501 Email: kellyc@oic.wa.gov	<u>Seattle Children's Hospital</u> Michael Madden Bennett Bigelow & Leedom, P.S. 601 Union Street, Suite 1500 Seattle, WA 98101 Email: mmadden@bblaw.com
<u>Attorney for Office of Insurance Commissioner</u> Marta U. DeLeon Office of the Attorney General P.O. Box 40100 Olympia, WA 98504-0100 Email: martad@atg.wa.gov	<u>BridgeSpan Health Company</u> Timothy J. Parker Carney Badley Spellman 701 Fifth Avenue, Suite 3600 Seattle, WA 98104-7010 Email: parker@carneylaw.com
<u>Deputy Insurance Commissioner for Legal Affairs</u> AnnaLisa Gellerman Office of the Insurance Commissioner P.O. Box 40255 Olympia, WA 98504-0255 Email: annalisag@oic.wa.gov	<u>Coordinated Care</u> Maren R. Norton Stoel Rives, LLP 600 University Street, Suite 3600 Seattle, WA 98101 Email: mnrorton@stoel.com <u>Legal Affairs Division</u> <u>Office of the Insurance Commissioner</u> Charles Brown P.O. Box 40255 Olympia, WA 98504-0255 Email: charlesb@oic.wa.gov

- by CM/ECF
- by Electronic Mail
- by Facsimile Transmission
- by First Class Mail
- by Hand Delivery
- by Overnight Delivery


Ian Rountree

PREMERA BLUE CROSS' DISCLOSURE OF POSSIBLE
WITNESSES - 4
DOCKET NO. 13-0293

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