NINETEENTH JUDICIAL DISTRICT COURT
PARISH OF EAST BATON ROUGE
STATE OF LOUISIANA

NUMBER: 499-737 DIVISION: D

J. ROBERT WOOLEY, AS
ACTING COMMISSIONER OF INSURANCE
FOR THE STATE OF LOUISIANA

VERSUS

AMCARE HEALTH PLANS OF LOUISIANA, INC.

FILED: _____ _____
DEPUTY CLERK

MOTION TO EXTEND THE TIME PERIOD FOR FILING OBJECTIONS TO THE RECEIVER'S DETERMINATION OF CLAIMS

NOW INTO COURT through undersigned counsel comes Marlon V. Harrison, the Receiver for AmCare Health Plans of Louisiana, Inc. in Receivership (the "Receiver"), who represents:

1.

AmCare Health Plans of Louisiana, Inc. in Receivership ("AmCare") was placed in liquidation by order of this honorable Court on November 12, 2002 (the "Liquidation Order").

2.

All persons or entities wishing to assert a claim against AmCare were required to submit a proof of claim to the Receiver detailing the nature and amount of such claim pursuant to the Liquidation Order and Louisiana law. La.R.S. 22:748-749.

3.

The Receiver has the authority to review each claim submitted and allow or disallow a claim in a lesser amount than claim. La. R.S. 22:749.

4.

When the Receiver makes a determination that a claim is valued at a lesser amount than claimed, the Receiver notifies the person or entity making the claim by petition in the receivership proceeding. La.R.S. 22:749.

5.

La.R.S. 22:749 provides that any objections to the Receiver's determination are to be filed within ten (10) days of notification of such determination.

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6.

The Receiver submits that, because AmCare was a health maintenance organization, proof of claim forms submitted by providers could potentially be comprised of a hundred or more individual claims.

7.

Under these circumstances, the Receiver believes that ten (10) days is an unreasonable period of time within which to expect claimants to perform their reconciliation of adjudicated amounts and file a response objecting to the Receiver's determination.

8.

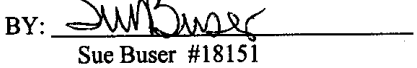
It is the Receiver's position that it is in the best interest of both AmCare and AmCare claimants to extend the time allowed for filing objections to the Receiver's determinations from ten (10) days to forty five (45) days of receipt of the Receiver's determination notice.

WHEREFORE, the Receiver prays that the time allowed for filing objections to the Receiver's determinations be extended from ten (10) days to within forty five (45) days of notice of determination, and for all other appropriate relief.

RESPECTFULLY SUBMITTED,

BY ATTORNEYS FOR
J. Robert Wooley
Commissioner of Insurance
for the State of Louisiana

Buser & Associates, APLC

BY: 

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MEMORANDUM IN SUPPORT OF MOTION TO EXTEND THE TIME PERIOD FOR FILING OBJECTIONS TO THE RECEIVER'S DETERMINATION OF CLAIMS

MAY IT PLEASE THE COURT:

On November 12, 2002, AmCare Health Plans of Louisiana, Inc. was placed in liquidation. Upon liquidation, all individuals wishing to assert a claim against AmCare Health Plans of Louisiana, Inc. In Receivership ("AmCare") were required to submit a statement, under oath, to the Receiver detailing the nature and amount of each claim. La. R.S. 22:748-749.

The Receiver has the authority to review each claim submitted and may allow or disallow a claim in a lesser amount than claimed. La. R.S. 22:749. Additionally, when the Receiver makes the determination that a claim is valued at a lesser amount than the amount claimed by the claimant, the Receiver must cite such claimant by petition in the receivership proceeding. La. R.S. 22:749.

La.R.S. 22:749 provides that any objections to the Receiver's determination are to be filed within ten (10) days of notification of such determination. The Receiver submits that, because AmCare was a health maintenance organization, proof of claim forms submitted by providers could potentially be comprised of a hundred or more individual claims. Under these circumstances, the Receiver believes that ten (10) days is an unreasonable period of time within which to expect claimants to perform their reconciliation of adjudicated amounts and file a response objecting to the Receiver's determination. It is the Receiver's position that it is in the best interest of both AmCare and AmCare claimants to extend the time allowed for filing objections to the Receiver's determinations from ten (10) days to forty five (45) days of receipt of the Receiver's determination notice.

For all these reasons, the Receiver requests that this motion be granted.

RESPECTFULLY SUBMITTED,

BY ATTORNEYS FOR
J. Robert Wooley
Commissioner of Insurance
for the State of Louisiana

Buser & Associates, APLC

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ORDER

Considering the motion to extent the time period for filing objections to the Receiver's determination of claims, and the Court considering the pleadings filed, and the Court finding that the parties are entitled to the relief granted,

IT IS ORDERED, ADJUDGED AND DECREED that the motion to extend the time period for filing objections to the Receiver's determination of claims be and hereby is granted.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the time period for filing objections to the Receiver's Explanation of Process/Notice of Determinations be and hereby is extended from ten (10) days to within ~~forty five (45) days~~ 30 days of notice of such determination by the Receiver.

Baton Rouge, Louisiana, this 28 day of Jan, 2004.

Janice Clark
JUDGE

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BY _____
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