

COMMISSIONER OF INSURANCE FOR THE STATE OF LOUISIANA

IN RE: LOUISIANA HEALTH SERVICE & INDEMNITY COMPANY D/B/A
BLUE CROSS AND BLUE SHIELD OF LOUISIANA
PLAN OF REORGANIZATION REGARDING THE CONVERSION FROM A
MUTUAL INSURANCE COMPANY TO A STOCK INSURANCE COMPANY

RESPONSE OF THE COMMISSIONER OF INSURANCE FOR THE STATE OF LOUISIANA TO MEMORANDUM REGARDING PUBLIC HEARING FILED BY LOUISIANA HEALTH SERVICE & INDEMNITY COMPANY D/B/A BLUE CROSS AND BLUE SHIELD OF LOUISIANA

Louisiana Commissioner of Insurance (“LDI”) Tim Temple (the “Commissioner”) files this response to the Memorandum Regarding Public Hearing (the “Procedures Memo”) filed by Louisiana Health Service & Indemnity Company d/b/a Blue Cross and Blue Shield of Louisiana (“BCBSLA”) on January 30, 2024.

Generally, the Commissioner submits that the hearing on the BCBSLA Plan of Reorganization (the “BCBSLA Plan”) should be conducted in a manner that allows the parties and intervenors the ability to present all evidence and testimony relevant to create the administrative record to be presented to the Commissioner after the public hearing.

The Commissioner submits the following specific comments to the Procedures Memo.

1. The Commissioner agrees that cross-examination of witnesses should only be allowed by counsel for parties and intervenors.
2. Although Rule 1 (La. R.S. 37: (Part XI) 1131) provides that “formal rules of evidence ...need not be observed at the hearing,” the Commissioner submits that the Hearing Officer is able to determine whether hearsay should be allowed based on the relevancy to the issues of the hearing, genuineness, reliability, and the factual basis for the

hearsay. The Hearing Officer has the ability to determine these evidentiary matters as they arise.

3. The Commissioner agrees that statutory evidentiary privileges should be maintained. However, any document provided to the Commissioner and LDI staff in connection with or related to the BCBSLA Plan including documents from or filings by Elevance Health Inc. and/or ATH Holding Company, LLC with the LDI should be admissible.
4. Although the Commissioner has scheduled the hearing for two days, the Hearing Officer should have the authority to revise the schedule as necessary.
5. The Hearing Officer should have the authority to announce and control time limits on all direct and cross examination as required for the orderly conduct and completion of the hearing, with time being afforded primarily to BCBSLA as the party bearing the burden of proof at the hearing, and the Commissioner (through his representative at LDI and outside counsel) who is required by statute to issue a final order or decision regarding the Plan. Redundant testimony should not be permitted.
6. The Commissioner agrees that any comments by the public should be allowed only after completion of all testimony and should be considered as part of the record. The Commissioner believes that there should not be any other restrictions on public comments unless the Hearing Officer determines otherwise.
7. The Commissioner has no objection to the “Proposed Schedule” regarding the order of the presentation of testimony in Section IX of the Procedures Memo. The Commissioner does not oppose the use of a panel of non-expert witnesses but opposes allowing a panel of expert witnesses.

Respectfully submitted,

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ATTORNEYS FOR TIM TEMPLE
COMMISSIONER OF INSURANCE FOR THE
STATE OF LOUISIANA, and
THE LOUISIANA DEPARTMENT OF
INSURANCE

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing has this date been served on all counsel of record in the proceeding by electronic mail on February 2, 2024. /s/ David S. Rubin

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