

EAST BATON ROUGE PARISH
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Deputy Clerk of Court

C-641928
26

19TH JUDICIAL DISTRICT COURT FOR THE PARISH OF EAST BATON ROUGE
STATE OF LOUISIANA

NUMBER: 641 928

SECTION: 26

JAMES J. DONELON
COMMISSIONER OF INSURANCE FOR THE STATE OF LOUISIANA
VERSUS
LOUISIANA HEALTH COOPERATIVE, INC.

FILED: _____

DEPUTY CLERK

**MOTION FOR APPROVAL OF MODIFICATION OF THE LAHC SETTLEMENT PLAN FOR LAHC LOW
DOLLAR PROVIDER SETTLEMENTS WITH APPROXIMATELY NINE HUNDRED FIFTY (950) LAHC
PROVIDERS/PROVIDER GROUPS WITH ANTICIPATED LAHC LOW DOLLAR TOTAL/FINAL
SETTLEMENT PAYMENT OF TWO THOUSAND DOLLARS (\$2000.00) OR LESS**

NOW INTO COURT, through undersigned counsel comes James J. Donelon, Commissioner of Insurance for the State of Louisiana as Rehabilitator of Louisiana Health Cooperative, Inc. in Rehabilitation, through the Commissioner's Court-approved Receiver, Billy Bostick ("LAHC"), who seeks an order of this Court approving modification of the LAHC Settlement Plan previously approved by the Court to address issues identified and procedures needed for LAHC Provider/Provider Group Settlements with anticipated low dollar total/final settlement payments, to include both the Early Payment and the Residual (final) Payment due, where the total claim amount is Two Thousand (\$2000.00) Dollars or less ("LAHC Low Dollar Provider Settlement Plan").

The LAHC Low Dollar Provider Settlement Plan will provide payment to approximately 950 LAHC Settling Providers/Provider Groups with outstanding timely filed claims of Two Thousand (\$2000.00) Dollars or less. LAHC seeks an order of this Court approving the LAHC Low Dollar Provider Settlement Plan and ordering that it be implemented in accordance with the LAHC Low Dollar Provider Settlement Plan procedures for notification and payment, including approval to pay the LAHC Low Dollar Provider Settlement Plan Providers/Provider Groups the full amount of the Total/Final Settlement Payment, all as more fully explained in the memorandum in support of this motion, which is attached hereto and incorporated herein.

WHEREFORE, mover prays for an order approving the proposed modifications to the LAHC Low Dollar Provider Settlement Plan for LAHC Settling Providers/Provider Groups with anticipated low dollar total/final settlement payments, to include both the Early Payment and the Residual (final) Payment due, where the total claim amount is Two Thousand (\$2000.00) Dollars or less, and for immediate payment of all such LAHC Low Dollar Settlements accepted by LAHC, all as more fully

explained in the memorandum in support of this motion, which is attached hereto and incorporated herein, and for all other appropriate relief.

Respectfully Submitted,

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BY: 

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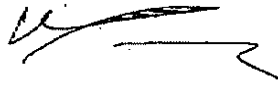
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Attorneys for **JAMES J. DONELON, Commissioner of Insurance for the State of Louisiana
as Rehabilitator of Louisiana Health Cooperative, Inc. in Rehabilitation**

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LOUISIANA ATTORNEY GENERAL

BY: 

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CERTIFICATE OF SERVICE

I hereby certify that I have not served a copy of the foregoing pleading on any counsel in these proceedings because there are no other parties in these proceedings, this ____ day of _____, 2019.

19TH JUDICIAL DISTRICT COURT FOR THE PARISH OF EAST BATON ROUGE

STATE OF LOUISIANA

NUMBER: 641 928

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JAMES J. DONELON
COMMISSIONER OF INSURANCE FOR THE STATE OF LOUISIANA

VERSUS

LOUISIANA HEALTH COOPERATIVE, INC.

FILED: _____

DEPUTY CLERK**ORDER**

The Court considering the Motion For Approval of Modification of the LAHC Settlement Plan For LAHC Low Dollar Provider Settlements with Approximately Nine Hundred Fifty (950) LAHC Provider/ Provider Groups with Anticipated Low Dollar/Final Settlement Payment of Two Thousand Dollars or Less, and finding that mover is entitled to the relief granted,

IT IS ORDERED, ADJUDGED AND DECREED that the Motion for Approval of Modification of the LAHC Settlement Plan for LAHC Low Dollar Provider Claims of Approximately Nine Hundred Fifty (950) LAHC Provider/Provider Groups with Anticipated Low Dollar/Final Settlement Payment of Two Thousand Dollars or Less be and same hereby is **GRANTED**.

IT IS FURTHER ORDERED, ADJUDED AND DECREED that LAHC be and hereby is authorized and directed to send a notice and sample medical claims summary in the form of **Exhibit F** to LAHC Low Dollar Providers/Provider Group at the email address on record with LAHC (and/or by U.S. mail to the address on the Louisiana Secretary of State website where no email address is available and/or the email address provided is no longer active) to:

- 1) Advise each LAHC Low Dollar Provider/Provider Group of the LAHC Low Dollar Settlement Plan;
- 2) Advise of a website link to this Order approving the LAHC Low Dollar Settlement Plan;
- 3) Advise of a website link to the settlement document approved by the Court for participation in the LAHC Low Dollar Provider Settlement Plan;
- 4) Provide an explanation of the revised process which will require execution of a one page settlement document in the form of **Exhibit G** that incorporates all the provisions of the LAHC Low Dollar Settlement Plan Documents approved by the Court, advising each LAHC Low Dollar Provider/Provider Group that by signing the one page settlement document, the LAHC Low Dollar Settling Provider/Provider Group is agreeing to the terms and conditions of the court approved LAHC Settlement Agreement and the terms of the court approved LAHC Settlement Plan Confidentiality and Non-Discrimination Agreement, including the following:

- a) the requirement that the LAHC Settling Provider/Provider Group forgive any and all uncollected amounts due from LAHC insureds, policyholders, subscribers, members and/or enrollees for patient responsibility amounts due or claimed to be due (such as co-payments, deductibles, co-insurance and other amounts that are the patient's responsibility) (the "Patient Responsibility"); and
- b) the agreement to forego all collection activities as to same and wavier of all future claims against LAHC by Low Dollar LAHC Settling Providers/Provider Group.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that each LAHC Low Dollar Settling Provider/Provider Group that agrees to participate in the LAHC Low Dollar Settlement Plan will be required to:

- (a) have a corporate representative and/or owner sign the one-page LAHC Low Dollar Settlement Plan Agreement (**Exhibit G**) and have same signed by two witnesses to verify the LAHC Low Dollar Settling Provider/Provider Group's signature;
- (b) attach to the executed returned one-page LAHC Low Dollar Settlement Plan Agreement a copy of the Louisiana Secretary of State Business Filing page available on the Louisiana Secretary of State website, which will confirm the relationship of the signor to the business entity to which the LAHC Low Dollar Settlement Plan payment is due;
- (c) when such a Louisiana Secretary of State listing is not available, the LAHC Low Dollar Settlement Plan signor will be required to attach internet documents from multiple sources which conclusively verify that the signor is the legal representative of the entity/business/Provider/Provider Group for which LAHC Low Dollar Settlement Plan payment is requested as well as the association of the LAHC Low Dollar Settlement Plan signor to that business entity; and
- (d) attach to the returned one-page LAHC Low Dollar Plan Settlement Agreement a completed IRS Form W-9 with a tax identification number.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that LAHC be and hereby is permitted to obtain signed LAHC Low Dollar Settlements from LAHC Low Dollar Providers/Provider Groups and put the LAHC Low Settling Providers with fully executed LAHC Low Dollar Settlement Agreements accepted by LAHC and executed by the Receiver in line for immediate payment of the full amount due in a single lump sum payment where the Agreed Upon Settlement Amount is Two Thousand (\$2000) Dollars or under, without the necessity of Court approval prior to payment, but with periodic reports to the Court on all such finalized LAHC Low Dollar Settlements to permit LAHC to make long overdue payment to these LAHC Low Dollar Settling Providers on an expedited basis as each such LAHC Low Dollar Settlement is finalized by LAHC to avoid the costs of administration.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that in the event the one page LAHC Low Dollar Settlement Plan document (**Exhibit G**) is returned to LAHC undelivered, LAHC is required to attempt to contact the LAHC Low Dollar Provider/Provider Group by phone at the last known number in the LAHC claims records and/or attempt to obtain new contact information for the LAHC Low Dollar Provider/Provider Group if possible and resend the one page document to the LAHC Low Dollar Provider/Provider Group at the alternate contact point(s) by email where possible (or by US Mail to the address on the Louisiana Secretary of State website).

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that LAHC be and hereby is authorized and directed to send and receive any and all documents related to the LAHC Low Dollar Settlement Plan by mail, delivery, facsimile and/or electronic transmission (e-mail) and to accept electronic signatures, in the discretion of the Receiver.

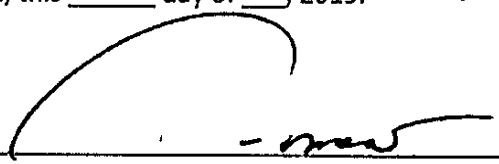
IT IS FURTHER ORDERED, ADJUDGED AND DECREED that all settling and non-settling LAHC providers/provider groups, including the LAHC Low Dollar Providers/Provider Groups, be and hereby are permanently enjoined from collecting and/or attempting to collect member responsibility payments from LAHC, LAHC insureds, policyholders subscribers, members and enrollees in violation of La. R.S. 22:1874, until written notice is given by LAHC as to the amount owed.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that LAHC be and hereby is authorized and directed to make agreed upon changes and to accept electronic signatures to the LAHC Low Dollar Settlement Plan documents as needed and/or requested by LAHC claimants and agreed to by LAHC and to enter into such confidentiality and non-disclosure agreements as may be needed and/or prudent, as deemed by the Receiver to be in the best

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that in all other respects the LAHC Settlement Plan approved by the Court on December 3, 2018 shall remain in full force and effect as to all LAHC Settling Providers/Provider Groups, including any and all LAHC Providers/Provider Groups participating in the LAHC Low Dollar Settlement Plan.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the LAHC Receiver is granted all power and authority to accomplish the task of implementing the LAHC Low Dollar Settlement Plan approved herein and executing any documents related thereto as the Receiver may deem necessary and advisable in the Receiver's discretion.

Baton Rouge, Louisiana, this 21 day of October 2019


DISTRICT COURT JUDGE RICHARD "CHIP" MOORE, III

I HEREBY CERTIFY THAT ON THIS DAY A COPY OF
THE WRITTEN REASONS FOR JUDGMENT /
JUDGMENT / ORDER / COMMISSIONER'S
RECOMMENDATION WAS MAILED BY ME WITH
SUFFICIENT POSTAGE AFFIXED.
SEE ATTACHED LETTER FOR LIST OF RECIPIENTS.

DONE AND MAILED ON October 30, 2019


DEPUTY CLERK OF COURT