

STATE OF MAINE
DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION
BUREAU OF INSURANCE

IN RE: REVIEW OF AGGREGATE)
MEASURABLE COST SAVINGS)
DETERMINED BY DIRIGO) ORDER ON
HEALTH FOR THE FIRST) WITNESS SCHEDULING
ASSESSMENT YEAR)
)
)
Docket No. INS-05-700)

The Superintendent issues this Order on the Maine State Chamber of Commerce's (the "Chamber") motion, dated October 19, 2005, and the Maine Association of Health Plan's ("MEAHP") motion, dated October 20, 2005, regarding witness scheduling. The Chamber has designated four witnesses and seeks a hearing schedule accommodation for one of them, Roland P. Mercier. MEAHP has designated two witnesses and seeks a hearing schedule accommodation for both of them, Daniel Fishbein, M.D., Esq., and David Tobin.

By the September 19, 2005 Procedural Order, the Superintendent designated the hearing dates in this matter to commence on October 24th, with any subsequent days of hearing to reconvene on October 27th. By Second Procedural Order dated October 11, 2005, the Superintendent identified the order of subjects for the conduct of the public hearing to begin with Hospital Savings Initiatives, including consolidated operating margins (COM) and cost per case mix-adjusted discharge (CMAD); followed by Uninsured Savings Initiatives, including uninsured reduction of bad debt (BD) and charity care (CC), and woodwork (WW) effect; Health Care Provider Fee Savings Initiatives, including hospital fee initiatives and physician fee initiatives; Certificate of Need and Capital Investment Fund Savings Initiatives, including certificate of need (CON) moratorium and capital investment fund (CIF); and Insurance Carrier Savings Initiatives, including voluntary underwriting gain (VUG).

As identified in its witness designation filed on October 14, 2005, the Chamber will be calling Mr. Mercier to testify regarding the Hospital Savings Initiatives, specifically "COM" and "CMAD." The Chamber requests that the Superintendent accommodate its witness scheduling issues by allowing Mr. Mercier's cross-examination to end no later than the end of the hearing on Thursday, October 27th. Given that "COM" and "CMAD" are the first subjects to be addressed at the hearing, the Chamber's request essentially is to allow its witness to go forward as soon as practicable on this subject.

As identified in its witness designation filed on October 14, 2005, MEAHP will be calling Mr. Tobin to testify regarding the Hospital Savings Initiatives, "COM" and "CMAD," and Insurance Carrier Savings Initiatives, specifically voluntary underwriting gain (VUG). MEAHP also will be calling Mr. Fishbein to testify regarding the Hospital Savings Initiatives. MEAHP requests that the Superintendent accommodate its witness scheduling issues by: (a) excusing Mr. Tobin from testifying on Monday, October 24th and allowing him to testify on either Thursday, October 27th or Friday, October 28th; and (b) allowing Mr. Fishbein's cross-examination to end no later than the end of the hearing on Thursday, October 27th. Given that "COM" and "CMAD" are the first subjects to be addressed at the hearing, MEAHP's request


could require the Superintendent to revisit the "COM" and "CMAD" subjects at a later time in the hearing after the testimony on those subjects already has been completed by all other parties.

The Superintendent will follow the order of subjects at hearing as contained in the Second Procedural Order. When all testimony is completed on each subject, the Superintendent will move on to the next following subject. The Superintendent will not permit new or additional testimony on a subject that has been completed earlier at the hearing, unless determined otherwise by the Superintendent in the exercise of this sole discretion.

The Superintendent GRANTS the Chamber's request to allow Mr. Mercier's cross-examination to end no later than the end of the hearing on Thursday, October 27, 2005; GRANTS the request of MEAHP to allow Mr. Fishbein's cross-examination to end no later than the end of the hearing on Thursday, October 27, 2005; and DENIES the request of MEAHP to excuse Mr. Tobin from testifying on Monday, October 24, 2005 on the issues of "COM" and "CMAD."

PER ORDER OF THE SUPERINTENDENT

DATED: October 21, 2005


ALESSANDRO A. IUPPA
Superintendent of Insurance