

STATE OF NEW HAMPSHIRE
DEPARTMENT OF STATE

IN THE MATTER OF:)
)
)
Local Government Center, Inc.;)
Government Center Real Estate, Inc.;)
Local Government Center Health Trust, LLC;)
Local Government Center Property-Liability Trust,)
LLC;)
Health Trust, Inc.;)
New Hampshire Municipal Association Property-Liability) Case No: C2011000036
Trust, Inc.;)
LGC – HT, LLC;)
Local Government Center Workers’ Compensation)
Trust, LLC;)
And the following individuals:)
Maura Carroll; Keith R. Burke; Stephen A. Moltenbrey;)
Paul G. Beecher; Robert A. Berry; Roderick MacDonald;)
Peter J. Curro; April D. Whittaker; Timothy J. Ruehr;)
Julia A. Griffin; and John Andrews)
)
RESPONDENTS)

[ASSENTED-TO, PROPOSED] ORDER
ON BSR’S MOTION FOR PROTECTIVE ORDER
AND CONFIDENTIAL TREATMENT

This Officer granted BSR’s Request for On-Site Examination by Order dated December 14, 2011.

As part of the Order, the parties were to meet and confer to come to an agreement on scheduling and logistics of the on-site examination. At a meeting on December 19, 2011, LGC raised, as a legitimate impediment to disclosure of certain financial information, the fact that personal health information, as defined in HIPAA, may appear in certain LGC financial records. LGC has since raised the issue of confidentiality of claims and other information in N.H. RSA § 5-B:7.

In accordance with HIPAA, a qualified protective order may issue from the administrative tribunal. Under the circumstances presented in this case, I find that a qualified protective order is an appropriate and necessary method of allowing the on-site examination previously ordered, while protecting private health information.

Further, I find that a qualified protective order in conjunction with confidential treatment of personal health information contained in LGC's financial records permits review of such information by the BSR, without redaction, while maintaining the confidential treatment of such information contemplated in N.H. RSA § 5-B:7.

In this Order, my use of the term "BSR" applies to any individual examining or using the information further referred to herein on behalf of the BSR, including without limitation attorneys, personnel, experts, or consultants.

Accordingly, (1) the BSR may review claims analysis and claims management, and private health information contained within LGC's records, without redaction, to the extent necessary to conduct the on-site examination I previously allowed; (2) BSR may not use or disclose such information for any purpose other than the above-captioned administrative proceeding, and before any public use or disclosure, BSR shall first redact the private health information or other confidential or privileged information to avoid public disclosure; (3) BSR is further required to return to LGC, or destroy, any LGC claims analysis and claims management and protected health information obtained from any source, at the conclusion of this hearing process; (4) by this treatment of the information, pursuant to this Order, LGC waives no right to seek different treatment of similar information in future, separate proceedings.

So ordered, this ____ day of December, 2011.

Donald E. Mitchell, Esq.
Presiding Officer
Bar #1773

SERVICE LIST

cc: Jeffrey D. Spill, Esq.
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