

STATE OF NORTH CAROLINA  
COUNTY OF DURHAM

IN THE OFFICE OF  
ADMINISTRATIVE HEARINGS  
23 INS 00738

<p>Blue Cross and Blue Shield of North Carolina, Petitioner,</p> <p>v.</p> <p>North Carolina State Health Plan for Teachers and State Employees, Respondent,</p> <p>And</p> <p>Aetna Life Insurance Company, Respondent-Intervenor.</p>	<p><b>ORDER GRANTING MOTION TO COMPEL</b></p>
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Upon consideration of the Motion to Compel Discovery From Respondent and Exhibits A - I filed therewith, filed by Petitioner Blue Cross and Blue Shield of North Carolina pursuant to Rule 37(a)(2) of the North Carolina Rules of Civil Procedure and 26 NCAC 03 .0112, the Responses and Exhibits filed respectively by Respondent North Carolina State Health Plan for Teachers and State Employees ("Respondent") and Respondent-Intervenor Aetna Life Insurance Company, and for good cause shown, the Undersigned hereby **GRANTS** the Motion to Compel the production of the following Requests:

Request No. 4. The letters of intent (as that term is used in Section 1.2.1 of Attachment A of the 2022 RFP) and rate agreements for providers listed in your Cost Proposal with a NetStatus of "L," that were binding at the time of the repricing.

Request No. 5. All documents related to Aetna's ability and efforts to enter into contracts with the providers listed in your Cost Proposal with a NetStatus of "L."

Request No. 6. All documents that relate to, show, or support Aetna's confirmation of the seven technical requirements that Blue Cross NC did not confirm. This request includes all internal and external communications related to Aetna's ability and efforts to comply with these technical requirements.

Request No. 7. All communications between you and the Plan related to the 2022 RFP [after December 14, 2022].

Request No. 8. All communications between you and the Plan during the implementation period for the TPA Contract.

Request No. 12. All documents containing, reflecting, or referring to any comparison or analysis of the provider networks of Aetna and either Blue Cross NC or UMR, Inc.

Request No. 14. All documents that show the underlying formulas or calculations that you used or relied on in preparing the price guarantees in your Cost Proposal in response to the 2022 RFP.

Request No. 15. Documents sufficient to show your policy(ies) for paying claims received by out-of-network providers, including rate tables, formulas, and any documentation showing the methodologies applied and rates that would be paid according to Aetna subscriber agreements.

Request No. 16. All communications referring to possible savings or other advantages with respect to the TPA contact based on your affiliation with Caremark PCS Health, LLC (CVS) or CVS's contract to serve as the Plan's pharmacy benefits manager.

For Requests 6, 7, and 16, Aetna shall produce documents **created or sent after December 14, 2022.**

Respondent-Intervenor Aetna shall produce the documents referenced in the above-cited Requests **on or before Monday, July 31, 2023.** Any documents produced that are deemed "Confidential" shall comply with the April 26, 2023 Order Granting Motion for Protective Order.

**SO ORDERED,** this the 29th day of June, 2023.



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Melissa Owens Lassiter  
Administrative Law Judge

## CERTIFICATE OF SERVICE

The undersigned certifies that, on the date shown below, the Office of Administrative Hearings sent the foregoing document to the persons named below at the addresses shown below, by electronic service as defined in 26 NCAC 03 .0501(4), or by placing a copy thereof, enclosed in a wrapper addressed to the person to be served, into the custody of the North Carolina Mail Service Center who subsequently will place the foregoing document into an official depository of the United States Postal Service:

Stephen D. Feldman  
Robinson, Bradshaw & Hinson, P.A.  
SFeldman@robinsonbradshaw.com  
Attorney For Petitioner

Matthew W. Sawchak  
Robinson, Bradshaw & Hinson, P.A.  
MSawchak@robinsonbradshaw.com  
Attorney For Petitioner

Nathan C. Chase Jr.  
Robinson, Bradshaw & Hinson, P.A.  
NChase@robinsonbradshaw.com  
Attorney For Petitioner

Joel Heimbach  
North Carolina State Health Plan, North Carolina Department of State Treasurer  
Joel.Heimbach@nctreasurer.com  
Respondent

Aaron Douglas Vodicka Esq.  
North Carolina State Health Plan for Teachers and State Employees  
aaron.vodicka@nctreasurer.com  
Attorney For Respondent

Elizabeth Sims Hedrick  
Fox Rothschild LLP  
ehedrick@foxrothschild.com  
Attorney For Respondent

Marc C Hewitt  
Fox Rothschild  
mhewitt@foxrothschild.com  
Attorney For Respondent

Robert H Edmunds  
Fox Rothschild LLP  
bedmunds@foxrothschild.com  
Attorney For Respondent

Benjamin N. Thompson  
Wyrick Robbins Yates & Ponton LLP  
bthompson@wyrick.com  
Attorney for Respondent-Intervenor

Lee M Whitman  
Wyrick Robbins Yates & Ponton, LLP  
lwhitman@wyrick.com  
Attorney for Respondent-Intervenor

Sophia V. Blair  
Wyrick Robbins Yates & Ponton LLP  
sblair@wyrick.com  
Attorney for Respondent-Intervenor

This the 29th day of June, 2023.



Daniel Chunko  
Law Clerk  
N. C. Office of Administrative Hearings  
1711 New Hope Church Road  
Raleigh, NC 27609-6285  
Phone: 919-431-3000