

**STATE OF NEW HAMPSHIRE
DEPARTMENT OF STATE
BUREAU OF SECURITIES REGULATION**

IN THE MATTER OF:)

Local Government Center, Inc.; et al.)

Case No.: C-2011000036)

**[LGC's 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 two statutes which inhibit third parties' access to financial materials which contain claim or private health information: the Health Insurance Portability and Accountability Act of 1996 (HIPAA), and 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 I have the necessary and implied power to allow the review by the BSR of unredacted financial information that also contains claims analysis or claims management information, while maintaining the confidentiality required by 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 unredacted forms of claims analysis and claims management and private health information contained within LGC's records, to the extent necessary to conduct the on-site examination I previously allowed; (2) BSR may not use or disclose the information for any purpose other than the above-captioned administrative proceeding, and before any further use or disclosure, BSR shall redact the private health information or other confidential or privileged information to avoid public disclosure; (3) BSR shall likewise redact any private health information, or other confidential or privileged information, as those terms are used in RSA 5-B:7, regardless of the source from which it is obtained, prior to use or disclosure in any stage of this hearing process; (4) 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; (5) such confidential information is exempt from "Right to Know" requests, under RSA 91-A:5, IV; and (6) 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

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