

LEGISLATIVE COMMITTEE MINUTES

# **SB285**

# Bill as Introduced

SB 285 - AS INTRODUCED

2022 SESSION

22-2932  
11/05

SENATE BILL

**285**

AN ACT

relative to discount medical plan organizations.

SPONSORS:

Sen. Cavanaugh, Dist 16; Rep. Potucek, Rock. 6; Rep. Bartlett, Merr. 19

COMMITTEE:

Health and Human Services

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ANALYSIS

This bill modifies registration requirements for discount medical plan organizations.  
This bill is a request of the insurance department.

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Explanation:

Matter added to current law appears in ***bold italics***.

Matter removed from current law appears [~~in brackets and struck through~~].

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty Two*

AN ACT relative to discount medical plan organizations.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1           1 New Paragraphs; Discount Medical Plan Organizations; Registration Requirement. Amend  
2 RSA 415-I:5 by inserting after paragraph II the following new paragraphs:

3           III. Each applicant for a certificate of registration shall make an application to the  
4 commissioner upon a form to be furnished by the commissioner and fee paid pursuant to RSA 400-  
5 A:29, XXII(a). The application shall include or be accompanied by the following information and  
6 documents:

7           (a) Whether a previous application for a certificate of registration has been denied,  
8 revoked, suspended, or terminated for cause in any jurisdiction.

9           (b) Whether the applicant is under investigation for or the subject of any pending action  
10 or has been found in violation of a statute or regulation in any jurisdiction within the previous 5  
11 years.

12           (c) A surety bond in its own name and issued by an insurance company licensed to do  
13 business in New Hampshire in an amount not less than \$35,000 to be used at the discretion of the  
14 commissioner to protect the financial interest of members.

15           (d) Information, as the commissioner may require, that permits the commissioner, after  
16 reviewing all of the information submitted pursuant to this section, to make a determination that  
17 the applicant:

18           (1) Is financially responsible and maintains a net worth of at least \$150,000 at all  
19 times;

20           (2) Has adequate expertise or experience to operate a discount medical plan  
21 organization; and

22           (3) Is of good character.

23           IV. Each certificate of registration shall expire each year on June 1. At least 60 days before  
24 a certificate of registration expires, the discount medical plan organization shall submit a renewal  
25 application to the commissioner upon a form to be furnished by the commissioner and fee paid  
26 pursuant to RSA 400-A:29, XXII(b).

27           2 New Subparagraphs; Discount Medical Plan Organizations; Suspension and Revocation of  
28 Registration. Amend RSA 415-I:6, I by inserting after subparagraph (c) the following new  
29 subparagraphs:

30           (d) The discount medical plan organization does not have the minimum net worth as  
31 required RSA 415-I:5, III(d)(1).

**SB 285 - AS INTRODUCED**

**- Page 2 -**

1           (e) The continued operation of the discount medical plan organization would be  
2 hazardous to its members.

3           3 Effective Date. This act shall take effect 60 days after its passage.

SB 285 - AS AMENDED BY THE SENATE

02/16/2022 0636s

2022 SESSION

22-2932

11/05

SENATE BILL **285**

AN ACT relative to discount medical plan organizations.

SPONSORS: Sen. Cavanaugh, Dist 16; Rep. Potucek, Rock. 6; Rep. Bartlett, Merr. 19

COMMITTEE: Health and Human Services

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SB 285 - AS AMENDED BY THE HOUSE

02/16/2022 0636s  
4May2022... 1376h

2022 SESSION

22-2932  
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SB 285 - AS AMENDED BY THE HOUSE

02/16/2022 0636s  
4May2022... 1376h

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SB 285 - AS AMENDED BY THE HOUSE

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CHAPTER 214  
SB 285 - FINAL VERSION

02/16/2022 0636s  
4May2022... 1376h

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02/16/2022 0636s  
4May2022... 1376h

22-2932  
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25 RSA 415-I:5, III(c)(1).

26 (e) The continued operation of the discount medical plan organization would be hazardous to  
27 its members.

214:3 Effective Date. This act shall take effect 60 days after its passage.

Approved: June 17, 2022  
Effective Date: August 16, 2022

# Amendments

Sen. Cavanaugh, Dist 16  
February 7, 2022  
2022-0559s  
05/04

Amendment to SB 285

1 Amend RSA 415-I:5, III as inserted by section 1 of the bill by deleting RSA 415-I:5, III(c) and  
2 renumbering the original RSA 415-I:5, III(d) to read as RSA 415-I:5, III(c).

3

4 Amend RSA 415-I:6, I(d) as inserted by section 2 of the bill by replacing it with the following:

5

6 (d) The discount medical plan organization does not have the minimum net worth as  
7 required RSA 415-I:5, III(c)(1).

UNAPPROVED

2022-0559s

AMENDED ANALYSIS

This bill modifies registration requirements for discount medical plan organizations.

UNAPPROVED

Health and Human Services  
February 9, 2022  
2022-0636s  
05/04

Amendment to SB 285

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2 renumbering the original RSA 415-I:5, III(d) to read as RSA 415-I:5, III(c).

3

4 Amend RSA 415-I:6, I(d) as inserted by section 2 of the bill by replacing it with the following:

5

6 (d) The discount medical plan organization does not have the minimum net worth as  
7 required RSA 415-I:5, III(c)(1).



**Amendment to SB 285**  
**- Page 2 -**

2022-0636s

**AMENDED ANALYSIS**

This bill modifies registration requirements for discount medical plan organizations.

# Committee Minutes

**SENATE CALENDAR NOTICE**  
**Health and Human Services**

Sen Jeb Bradley, Chair  
Sen James Gray, Vice Chair  
Sen Kevin Avard, Member  
Sen Tom Sherman, Member  
Sen Rebecca Whitley, Member

Date: January 18, 2022

**HEARINGS**

Wednesday	02/09/2022	
(Day)	(Date)	
Health and Human Services	State House 100	9:00 a.m.
(Name of Committee)	(Place)	(Time)
9:00 a.m.	<b>SB 285</b>	relative to discount medical plan organizations.
9:20 a.m.	<b>SB 323</b>	permitting state trade associations to purchase health insurance offered by their peer national trade associations.
10:00 a.m.	<b>SB 374-FN</b>	relative to the SARS-CoV-2 vaccinations.

**EXECUTIVE SESSION MAY FOLLOW**

**Sponsors:**

**SB 285**

Sen. Cavanaugh

Rep. Potucek

Rep. Bartlett

**SB 323**

Sen. French

Sen. Hennessey

Sen. Carson

Sen. Bradley

Sen. Giuda

Sen. Avard

Sen. Gannon

Rep. Hunt

Rep. Potucek

**SB 374-FN**

Sen. French

Sen. Avard

Rep. Hill

Rep. Hough

Rep. Silber

Cameron Lapine 271-2104

Jeb Bradley  
Chairman

**Senate Health and Human Services Committee**  
*Cameron Lapine 271-2104*

**SB 285**, relative to discount medical plan organizations.

**Hearing Date:** February 9, 2022

**Time Opened:** 9:00 a.m.

**Time Closed:** 9:09 a.m.

**Members of the Committee Present:** Senators Bradley, Gray, Avard, Sherman and Whitley

**Members of the Committee Absent:** None

**Bill Analysis:** This bill modifies registration requirements for discount medical plan organizations.

This bill is a request of the insurance department.

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**Sponsors:**

Sen. Cavanaugh

Rep. Potucek

Rep. Bartlett

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**Who supports the bill:** Joan Pageau (NH Association of Insurance Agents), Michelle Heaton (NHID), Marty Mobley (NHID), Senator Kevin Cavanaugh (Senate District 16), Representative John Potucek (Rockingham County District 6), and Allen Erenbaum.

**Who opposes the bill:** Elissa Davis.

**Who is neutral on the bill:** None.

**Summary of testimony presented in support:**

**Senator Kevin Cavanaugh**

**Senate District 16**

- Senator Cavanaugh said that SB 285 is a request from the New Hampshire Insurance Department (NHID) and incorporates recommendations from the National Association of Insurance Commissioners (NAIC) Model Act 98.
- Senator Cavanaugh said that SB 285 requests additional information from discount medical plan organizations, including if an applicant had previously been licensed and had that licensed revoked, if an applicant is or has been under investigation for a violation of statute in the last five years, and other information at the request of the NHID Commissioner to determine if the applicant is financially responsible,

experienced, and of good character. He said that it also clarifies procedures for the revocation and renewal of a license.

- Senator Cavanaugh said that SB 285 as introduced required a surety bond but, after meeting with stakeholders, reached an agreement to remove that provision. He proposed Amendment 0559s.
- Senator Cavanaugh deferred questions to NHID.

## **Michelle Heaton**

### **Health Law and Policy Legal Counsel, NHID**

- Ms. Heaton said that the original discount medical plan organization statute – RSA 415-I:5 – was enacted in 2006 and is based on a NAIC model act.
- Ms. Heaton said that NHID regulates discount medical plan organizations in order to protect consumers and help them understand what they are purchasing.
- Ms. Heaton said that SB 285 adds language to better align statute with NAIC model acts.
- Ms. Heaton said that there are currently 26 discount medical plan organizations registered in New Hampshire, mostly offering plans for drugs and dental coverage.
- Senator Sherman asked if discount medical plan organizations offer specific coverage for specific procedures or prescriptions. He asked if there was a targeted audience. He said that the \$35,000 and \$150,000 figures in SB 285, referring to the financial security of the discount medical plan organization, seemed very small to him. He said that those numbers were not what he thought of when think about an insurance plan.
  - Ms. Heaton said that discount medical plan organizations are not insurance plans and do not offer reimbursement. She said that the plans work by having members pay a fee, or simply register with an app, and receive a discount on certain services. She said that it is common to receive a discount for prescription drugs and sometimes having a discount medical plan organization card allows for a better reimbursement for certain drugs.
- Senator Sherman asked what the average number of people involved with a discount medical plan organization is.
  - Ms. Heaton said that she was not sure.
- Senator Sherman asked if the \$35,000 and \$150,000 benchmarks set in SB 285 were appropriate, on average. He said that if there are 1,000 covered individuals and the discount medical plan organization is discounting their prescriptions, he could easily see those benchmarks being overwhelmed.
  - Ms. Heaton said that discount medical plan organizations have no guarantee of reimbursement. She said that they try to negotiate a better rate, which is low risk. She said that NHID financial services staff told her that the numbers in SB 285 are accurate. She said that Amendment 0559s allows for the revocation of a license for financial insolvency.
- Senator Sherman asked if there is a charge to join a discount medical plan organization.
  - Ms. Heaton said sometimes there are charges of \$5 or \$10 per month but sometimes people just sign up through an app.

- Senator Sherman said that discount medical plan organizations seem to be informal and not providing a great return for \$5 or \$10 per month. He asked if NHID regulates discount medical plan organizations.
  - Ms. Heaton said that NHID does regulate discount medical plan organizations. She said that not all states allow them, but there are NIAC model acts for how they should be regulated. She said that most of the regulations deal with the marketing of discount medical plan organizations to ensure people are not misled to believe that they will cover major medical expenses.

**Summary of testimony presented in opposition: None.**

**Neutral Information Presented: None.**

cml  
Date Hearing Report completed: February 10, 2022

# Speakers





# Senate Health & Human Services Committee

## SIGN-IN SHEET

Date: February 9, 2022      Time: Time 9:00 a.m.

SB 285      AN ACT relative to discount medical plan organizations.

Name/Representing (please print neatly)

Rep David Fox <sup>Room 6</sup>	Support <input checked="" type="checkbox"/>	Neutral <input type="checkbox"/>	Oppose <input type="checkbox"/>	Speaking? 	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	Support <input type="checkbox"/>	Neutral <input type="checkbox"/>	Oppose <input type="checkbox"/>	Speaking? 	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	Support <input type="checkbox"/>	Neutral <input type="checkbox"/>	Oppose <input type="checkbox"/>	Speaking? 	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	Support <input type="checkbox"/>	Neutral <input type="checkbox"/>	Oppose <input type="checkbox"/>	Speaking? 	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	Support <input type="checkbox"/>	Neutral <input type="checkbox"/>	Oppose <input type="checkbox"/>	Speaking? 	Yes <input type="checkbox"/>	No <input type="checkbox"/>
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	Support <input type="checkbox"/>	Neutral <input type="checkbox"/>	Oppose <input type="checkbox"/>	Speaking? 	Yes <input type="checkbox"/>	No <input type="checkbox"/>
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	Support <input type="checkbox"/>	Neutral <input type="checkbox"/>	Oppose <input type="checkbox"/>	Speaking? 	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	Support <input type="checkbox"/>	Neutral <input type="checkbox"/>	Oppose <input type="checkbox"/>	Speaking? 	Yes <input type="checkbox"/>	No <input type="checkbox"/>

# Senate Remote Testify

Health and Human Services Committee Testify List for Bill SB285 on 2022-02-  
Support: 2 Oppose: 1

<u>Name</u>	<u>Title</u>	<u>Representing.</u>	<u>Position</u>
Davis, ELISSA	A Member of the Public	Myself	Oppose
Potucek, Representative John	An Elected Official	Myself & My Constituents	Support
Erenbaum, Allen	A Member of the Public	Consumer Health Alliance	Support

# Testimony



# CONSUMER HEALTH ALLIANCE

## **Testimony in Support of SB 285 Senate Health and Human Services Committee February 9, 2022**

### About the Consumer Health Alliance and Discount Plans

The Consumer Health Alliance (CHA) is the national trade association of the discount healthcare industry. CHA's mission is to educate consumers about the benefits of discount healthcare programs, promote consumer-friendly business practices by companies offering these programs, and work with policymakers to ensure that regulation of the industry is targeted, practical, and uniform.

Discount healthcare programs began operating more than 30 years ago to make healthcare more affordable by offering access to discounts on healthcare services and products. As a result of the value and simplicity of these programs, CHA companies currently have nearly 30 million members across the United States.

### CHA Has Supported State Regulation Across the Country including New Hampshire

CHA welcomes the opportunity to work with states on laws and regulations that apply appropriate consumer protections to discount health care programs. CHA worked closely with the National Association of Insurance Commissioners (NAIC) on the development of its 2006 model act regulating discount health care programs. CHA has also worked with legislatures and regulators in more than 25 states, including working with the New Hampshire General Court and Insurance Department in 2008 to enact a law that regulates the discount health care industry in New Hampshire. This law has successfully protected New Hampshire residents and allowed them to access the health care savings that discount healthcare programs offer.

### CHA Supports SB 285, as Amended

SB 285 adds new requirements for discount healthcare programs doing business in New Hampshire, and gives the Insurance Department additional authority to protect New Hampshire residents. CHA appreciates the willingness of Senator Kavanaugh and the Insurance Department to support an amendment regarding a surety bond requirement, and we urge the Committee to adopt that amendment. With that change, CHA strongly supports the provisions of SB 285 which strengthens consumer protection and continues to allow New Hampshire residents to access savings on health care products and services.

If you have questions or need more information, please contact Allen Erenbaum, President at [allen@consumerhealthalliance.org](mailto:allen@consumerhealthalliance.org) or (310) 643-8000.

# Voting Sheets

# Senate Health and Human Services Committee

## EXECUTIVE SESSION RECORD

### 2021-2022 Session

Bill #SB 285

Hearing date: 2-9-22

Executive Session date: 2-9-22

Motion of: Amendment 0559s Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Bradley, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Gray, Vice Chair	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Avard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Whitley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: OTPA Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Bradley, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Gray, Vice Chair	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Avard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Whitley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: CONSENT Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Bradley, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Gray, Vice Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Avard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Sherman	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Whitley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Reported out by: Sen. Gray

Notes: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

# Committee Report





FOR THE CONSENT CALENDAR

**HEALTH AND HUMAN SERVICES**

**SB 285**, relative to discount medical plan organizations.

Ought to Pass with Amendment, Vote 5-0.

Senator James Gray for the committee.

SB 285 modifies registration requirements for discount medical plan organizations and is a request of the Insurance Department. The Committee Amendment removes an unneeded provision on surety bonds and empowers the Commissioner of Insurance to revoke a license if a plan organization is not financially solvent. SB 285 brings the Insurance Department better in-line with national standards.

**Docket of SB285**

Docket Abbreviations

**Bill Title:** relative to discount medical plan organizations.**Official Docket of SB285.:**

<b>Date</b>	<b>Body</b>	<b>Description</b>
12/14/2021	S	To Be <b>Introduced</b> 01/05/2022 and Referred to Health and Human Services; <b>SJ 1</b>
1/19/2022	S	<b>Hearing:</b> 02/09/2022, Room 100, SH, 09:00 am; <b>SC 4</b>
2/9/2022	S	Committee Report: Ought to Pass with Amendment <b>#2022-0636s</b> , 02/16/2022; Vote 5-0; CC; <b>SC 7</b>
2/16/2022	S	Committee Amendment <b>#2022-0636s</b> , AA, VV; 02/16/2022; <b>SJ 3</b>
2/16/2022	S	<b>Ought to Pass with Amendment</b> 2022-0636s, MA, VV; OT3rdg; 02/16/2022; <b>SJ 3</b>
3/23/2022	H	Introduced 03/17/2022 and referred to Commerce and Consumer Affairs
3/30/2022	H	Public Hearing: 04/06/2022 01:15 pm LOB 302-304
3/30/2022	H	Subcommittee Work Session: 04/07/2022 10:00 am LOB 302-304
4/14/2022	H	Subcommittee Work Session: 04/20/2022 10:00 am LOB 302-304
4/13/2022	H	Executive Session: 04/20/2022 01:00 pm LOB 302-304
4/22/2022	H	Committee Report: Ought to Pass with Amendment <b>#2022-1376h</b> (Vote 18-0; CC)
5/4/2022	H	Amendment # 1376h: AA VV 05/04/2022 <b>HJ 11</b>
5/4/2022	H	<b>Ought to Pass with Amendment</b> 1376h: MA VV 05/04/2022 <b>HJ 11</b>
5/12/2022	S	Sen. Bradley Moved to Concur with the House Amendment, MA, VV; 05/12/2022; <b>SJ 12</b>
6/7/2022	H	Enrolled (in recess of) 05/26/2022 <b>HJ 14</b>
6/6/2022	S	Enrolled Adopted, VV, (In recess 05/26/2022); <b>SJ 13</b>
6/22/2022	S	Signed by the Governor on 06/17/2022; Chapter 0214; Effective 08/16/2022

NH House

NH Senate

# Other Referrals

**Senate Inventory Checklist for Archives**

Bill Number: SB 285

Senate Committee: HHS

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

Final docket found on Bill Status

**Bill Hearing Documents: (Legislative Aides)**

- Bill version as it came to the committee
- All Calendar Notices
- Hearing Sign-up sheet(s)
- Prepared testimony, presentations, & other submissions handed in at the public hearing
- Hearing Report
- Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

**Committee Action Documents: (Legislative Aides)**

All amendments considered in committee (including those not adopted):

- amendment # 0559s      \_\_\_ - amendment # \_\_\_\_\_
- amendment # 0636s      \_\_\_ - amendment # \_\_\_\_\_
- Executive Session Sheet
- Committee Report

**Floor Action Documents: (Clerk's Office)**

All floor amendments considered by the body during session (only if they are offered to the senate):

- \_\_\_ - amendment # \_\_\_\_\_      \_\_\_ - amendment # \_\_\_\_\_
- \_\_\_ - amendment # \_\_\_\_\_      \_\_\_ - amendment # \_\_\_\_\_

**Post Floor Action: (if applicable) (Clerk's Office)**

- \_\_\_ Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):
- \_\_\_ Enrolled Bill Amendment(s)
- \_\_\_ Governor's Veto Message

**All available versions of the bill: (Clerk's Office)**

- as amended by the senate       as amended by the house
- final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

Cameron M. Zapine  
Committee Aide

6-13-11  
Date

Senate Clerk's Office [Signature]